United Nations A/58/562

General Assembly

Distr.: General
11 November 2003
English
Original: Arabic

Fifty-eighth session
Agenda item 17 (b)

Appointments to fill vacancies in subsidiary organs and other appointments: appointment of members of the Committee on Contributions

Report of the Fifth Committee

Rapporteur: Fouad **Rajeh** (Saudi Arabia)

1. At its 2nd plenary meeting, on 19 September 2003, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-eighth session the item entitled "Appointments to fill vacancies in subsidiary organs and other appointments: appointment of members of the Committee on Contributions".

2. At its 17th meeting, on 7 November 2003, the Fifth Committee had before it a note by the Secretary-General (A/58/102) concerning the vacancies in the membership of the Committee on Contributions that would occur as a result of the expiration of the term of office of six of its members on 31 December 2003.

3. The Fifth Committee also had before it a note by the Secretary-General (A/C.5/58/6 and A/C.5/58/6/Add.1) containing the names of seven persons nominated by their respective Governments for appointment or reappointment to the Committee on Contributions for a three-year term of office beginning on 1 January 2004.

4. At the same meeting, the Committee decided, by acclamation, to recommend to the General Assembly that it appoint Kenshiro Akimoto (Japan), Haile Selassie Getachew (Ethiopia), David A. Leis (United States of America) and Meshal Al-Mansour (Kuwait) as members of the Committee on Contributions for a three-year term of office beginning on 1 January 2004 (see para. 9).

5. The Fifth Committee then proceeded to elect, by secret ballot, two persons from the three candidates proposed by the Eastern European States. The result of the voting was as follows:

03-63680 (E) 041203

Eastern European States

Number of ballots cast:	181
Invalid ballots:	0
Number of valid ballots:	181
Abstentions:	0
Number of members voting:	181
Required majority:	91
Number of votes obtained:	
Petru Dumitriu	135
Ihor V. Humenny	134
Assen Lliev Zlatanov	80

6. Having obtained the required majority, Petru Dumitriu (Romania) and Ihor V. Humenny (Ukraine) were recommended for appointment as members of the Committee on Contributions for a three-year term of office beginning on 1 January 2004 (see para. 9).

7. At its 17th meeting, on 7 November 2003, the Fifth Committee also considered a note by the Secretary-General (A/58/102/Add.1) concerning a vacancy in the membership of the Committee on Contributions as a result of the resignation of Henry Fox (Australia) and by which it was informed of the nomination by the Government of Australia and endorsement by the Group of Western European and Other States of David Dutton (Australia) to fill the remainder of the term of office of Mr. Fox, which expires on 31 December 2004.

8. At the same meeting, the Committee decided, by acclamation, to recommend to the General Assembly that it appoint David Dutton as a member of the Committee on Contributions for a term of office beginning on _____2003[1] and ending on 31 December 2004 (see para. 10).

Recommendations of the Fifth Committee

9. The Fifth Committee recommends that the General Assembly appoint the following persons as members of the Committee on Contributions for a three-year term of office beginning on 1 January 2004:

Mr. Kenshiro Akimoto (Japan)

Mr. Petru Dumitriu (Romania)

Mr. Haile Selassie Getachew (Ethiopia)

Mr. Ihor V. Humenny (Ukraine)

Mr. David A. Leis (United States of America)

Mr. Meshal Al-Mansour (Kuwait)

10. The Fifth Committee also recommends that the General Assembly appoint Mr. David Dutton (Australia) as a member of the Committee on Contributions for a term of office beginning on _____ 2003[1] and ending on 31 December 2004.

[1] Date of adoption of the decision by the General Assembly.

United Nations A/58/563

General Assembly

Distr.: General
2 December 2003
English
Original: Arabic

Fifty-eighth session
Agenda item 17 (c)

Appointments to fill vacancies in subsidiary organs and other appointments: appointment of a member of the Board of Auditors

Report of the Fifth Committee

Rapporteur: Mr. Fouad **Rajeh** (Saudi Arabia)

1. At its 2nd plenary meeting, on 19 September 2003, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-eighth session the item entitled "Appointments to fill vacancies in subsidiary organs and other appointments: appointment of a member of the Board of Auditors".

2. At its 17th meeting, on 7 November 2003, the Fifth Committee had before it a note by the Secretary-General (A/58/103) concerning a vacancy in the membership of the Board of Auditors that would occur as a result of the expiration of the term of office of one of its members on 30 June 2004.

3. The Fifth Committee also had before it a note by the Secretary-General (A/C.5/58/7) in which he reported that the First President of the Court of Accounts of France had been nominated by the Government of France for reappointment as a member of the Board of Auditors for a six-year term of office beginning on 1 July 2004.

4. At the same meeting, the Committee decided, by acclamation, to recommend to the General Assembly that it appoint the First President of the Court of Accounts of France as a member of the Board of Auditors for a six-year term of office beginning on 1 July 2004 (see para. 5).

Recommendation of the Fifth Committee

5. The Fifth Committee recommends that the General Assembly appoint the First President of the Court of Accounts of France as a member of the Board of Auditors for a six-year term of office beginning on 1 July 2004.

03-63692 (E) 031203

United Nations A/58/564

General Assembly

Distr.: General
2 December 2003
English
Original: Arabic

Fifty-eighth session
Agenda item 17 (d)

Appointments to fill vacancies in subsidiary organs and other appointments: confirmation of the appointment of members of the Investments Committee

Report of the Fifth Committee

Rapporteur: Mr. Fouad **Rajeh** (Saudi Arabia)

1. At its 2nd plenary meeting, on 19 September 2003, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-eighth session the item entitled "Appointments to fill vacancies in subsidiary organs and other appointments: confirmation of the appointment of members of the Investments Committee".

2. At its 17th meeting, on 7 November 2003, the Fifth Committee had before it a note by the Secretary-General (A/58/104) concerning vacancies in the membership of the Investments Committee that would occur as a result of the expiration of the term of office of three of its members on 31 December 2003.

3. The Fifth Committee also had before it a note by the Secretary-General (A/C.5/58/8) in which, in accordance with the provisions of article 20 of the Regulations of the United Nations Joint Staff Pension Fund, the Secretary-General, after consultation with the Standing Committee of the United Nations Joint Staff Pension Board and the Advisory Committee on Administrative and Budgetary Questions, submitted for confirmation by the General Assembly the reappointment of three persons as members of the Investments Committee for a three-year term of office beginning on 1 January 2004.

4. At the same meeting, the Fifth Committee decided, by acclamation, to recommend to the General Assembly that it confirm the appointment of Ahmad Abdullatif (Saudi Arabia), Fernando Chico Pardo (Mexico) and J. Y. Pillay (Singapore) as members of the Investments Committee for a three-year term of office beginning on 1 January 2004 (see para. 5).

03-63705 (E) 031203

Recommendation of the Fifth Committee

5. The Fifth Committee recommends that the General Assembly confirm the appointment by the Secretary-General of the following persons as members of the Investments Committee for a three-year term of office beginning on 1 January 2004:

Mr. Ahmad Abdullatif (Saudi Arabia)

Mr. Fernando Chico Pardo (Mexico)

Mr. J. Y. Pillay (Singapore)

United Nations A/58/565

General Assembly

Distr.: General
2 December 2003
English
Original: Arabic

Fifty-eighth session
Agenda item 17 (e)

Appointments to fill vacancies in subsidiary organs and other appointments: appointment of members of the United Nations Administrative Tribunal

Report of the Fifth Committee

Rapporteur: Mr. Fouad **Rajeh** (Saudi Arabia)

1. At its 2nd plenary meeting, on 19 September 2003, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-eighth session the item entitled "Appointments to fill vacancies in subsidiary organs and other appointments: appointment of members of the United Nations Administrative Tribunal".

2. At its 17th meeting, on 7 November 2003, the Fifth Committee had before it a note by the Secretary-General (A/58/105) concerning the vacancies in the membership of the United Nations Administrative Tribunal that would occur as a result of the expiration of the term of office of two of its members on 31 December 2003.

3. The Fifth Committee also had before it a note by the Secretary-General (A/C.5/58/9) containing the names of two persons nominated by their respective Governments for appointment or reappointment to the Administrative Tribunal for a four-year term of office beginning on 1 January 2004.

4. At the same meeting, the Committee decided, by acclamation, to recommend to the General Assembly that it appoint Julio Barboza (Argentina) and Dayendra Sena Wijewardane (Sri Lanka) as members of the United Nations Administrative Tribunal for a four-year term of office beginning on 1 January 2004 (see para. 5).

Recommendation of the Fifth Committee

5. The Fifth Committee recommends that the General Assembly appoint the following persons as members of the United Nations Administrative Tribunal for a four-year term of office beginning on 1 January 2004:

Mr. Julio Barboza (Argentina)

Mr. Dayendra Sena Wijewardane (Sri Lanka)

03-63698 (E) 031203

United Nations A/58/566

General Assembly

Distr.: General
10 November 2003

Original: English

Fifty-eighth session
Agenda item 26
The situation in Central America: progress in fashioning a region of peace, freedom, democracy and development

United Nations Verification Mission in Guatemala*

Note by the Secretary-General

Summary

The present document contains the fourteenth report on human rights of the United Nations Verification Mission in Guatemala (MINUGUA), which has been monitoring implementation of the country's peace agreements. During the reporting period, from July 2002 to June 2003, human rights compliance has deteriorated. Violations by the police have increased and impunity is the norm. The Mission found that this deterioration is closely linked to the failure to advance on other aspects of the peace agreements.

* The present report is an overall assessment of the human rights situation in Guatemala since 1996 and is timed to coincide with the end of the Mission's monitoring of the full set of peace agreements on 31 December 2003. Should the Assembly decide to extend the mandate into 2004, the size of the Mission and the scope of its mandate will be reduced.

03-60649 (E) 031203

1. The attached document contains the human rights report for 2003 of the United Nations Verification Mission in Guatemala (MINUGUA) on the verification of the Comprehensive Agreement on Human Rights (A/48/928-S/1994/448, annex I). The report, transmitted by the Chief of Mission, is the fourteenth on the subject. In accordance with the practice established since the Mission's inception, I shall transmit a copy of the report to the United Nations High Commissioner for Human Rights, with the request that it be brought to the attention of the members of the Commission on Human Rights.

2. In my report to the General Assembly, dated 1 November 2002, on the renewal of the mandate of MINUGUA (A/57/584), I conveyed the request of the Government of Guatemala that the Mission's mandate be extended. It was renewed until 31 December 2003 by the General Assembly in resolution 57/161 of 16 December 2002. The results of the Mission's verification of compliance with the full range of the peace agreements for the period from May 2002 to July 2003 are set forth in my eighth verification report (A/58/267), dated 11 August 2003.

3. I wish to express my gratitude to the Government of Guatemala for its continued cooperation with the Mission. I should also like to thank the Member States and the United Nations system in Guatemala for the consistent cooperation and support provided to the Mission and the Guatemalan peace process.

Annex

Fourteenth report on human rights of the United Nations Verification Mission in Guatemala

I. Introduction

1. In 1994, the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) requested the United Nations to establish a mission to monitor the Comprehensive Agreement on Human Rights (A/48/928-S/1994/448, annex I) that had been signed by the parties, and subsequently to verify compliance with the full range of peace agreements signed in 1996. The United Nations Verification Mission in Guatemala (MINUGUA) has since issued 13 reports on the Government's protection of a set of priority rights contained in the Comprehensive Human Rights Agreement, the Agreement on Identity and Rights of Indigenous Peoples (A/49/882-S/1995/256, annex), and the Agreement on the Strengthening of the Civilian Power and the Role of the Armed Forces in a Democratic Society (A/51/410-S/1996/853, annex). The Mission has also issued thematic reports in Guatemala on the functioning of the judiciary (2000), the prison system (2000), the national police (1999, 2001), lynchings (2000, 2002), discrimination against indigenous peoples (2001) and public security (2003).

2. The human rights work of MINUGUA has focused on the Government's commitments to protect (a) the right to life (ending extrajudicial killings by the army, police, security services and other state actors); (b) the right to personal integrity (ending illegal searches, detentions, torture and ill-treatment by Government security forces); (c) the right to freedom of expression without Government interference; and (d) the free exercise of all political rights (guaranteeing full participation in politics and free and fair elections). In addition, the Government made a commitment to (a) end discrimination against indigenous peoples; (b) adopt legislation and mechanisms for the protection of human rights; (c) combat impunity; (d) strengthen the key State institutions responsible for protecting human rights (the National Civil Police, the Public Ministry, the courts and the Human Rights Ombudsman); (e) protect human rights activists and defenders; and (f) ensure that illegal security organizations, clandestine groups and parallel structures, many of which were created as anti-insurgency mechanisms during the war, would no longer operate.

3. The present report assesses the overall progress on human rights from the signing of the Agreement on a Firm and Lasting Peace (A/51/796-S/1997/114, annex II) in December 1996 until mid-2003. An overall assessment now is timely for three reasons. First, the seven years since 1996 provide sufficient distance to evaluate positive and negative trends affecting the human rights situation. Second, the Mission is winding down in preparation for the end of its mandate at end of 2004 and preparing overall assessments in each of its substantive areas of work, beginning with the present report. Third, new national and local governments will be elected at the end of 2003 and a sober evaluation of progress and setbacks should assist the administration taking office in 2004 in the development and implementation of national human rights priorities for the 2004-2008 period.

II. Evolution of the human rights situation since the signing of the peace agreements

A. Guatemala at the signing of the peace agreements

4. Throughout most of Guatemala's history, the country's business and land-owning elites, supported by the military, dominated the country, particularly the rural, predominantly indigenous population, which provided the bulk of the labour supporting the agriculture-based economy. The indigenous populations faced intense racial and economic discrimination and lacked access to basic housing, health and educational services. State institutions, including the judiciary, were weak, captured and controlled by the economic elite and the army, largely serving private interests, and barely reached beyond the capital and a few urban centres. The army was the only significant State presence in large areas of the interior.

5. The 1960-1996 armed conflict, particularly the decade of the 1980s, devastated rural indigenous regions under the control of military commissioners and army patrols supplemented by local civilian self-defence patrols (*patrullas de auto-defensa civiles* (PACs)) created by the army. According to the Commission for Historical Clarification (see A/53/928, annex), approximately 200,000 individuals were killed or disappeared during the conflict, mostly civilians, approximately 85 per cent of them Mayan. The Commission concluded that the army and PACs were responsible for 93 per cent of the massacres, executions, disappearances and other human rights violations committed during the war, including acts of genocide against indigenous groups. In the indigenous highlands, villages were destroyed and populations displaced, particularly during the army's 1981-1983 "scorched earth" campaign, and the violence used by the army and the PACs ripped apart the social fabric of these communities. The military also used its intelligence apparatus to create clandestine organizations responsible for monitoring, harassing and executing suspected supporters of the guerrillas in urban as well as rural areas.

6. The peace agreements committed the Government and the guerrillas to a comprehensive set of measures to address the underlying causes of the war: decades of authoritarian government, repression of potential political opposition, and the political and economic exclusion, discrimination and extreme poverty suffered by the indigenous populations. The first step involved disarming and reintegrating the guerrillas; restructuring and redeploying the armed forces for peacetime; disbanding the military commissioners and the PACs dominating rural indigenous areas; dissolving the clandestine groups set up by military intelligence during the war; and ending the State's decades-long policy and practice of repression as a means of social and political control. The second step required a fundamental restructuring of the State's security and justice sector institutions: the creation of a new national civilian police force; modernization and reform of the judiciary and the Public Prosecutor's Office; establishment of a public defender's programme; an overhaul of the prison system; economic development and victim compensation directed to the indigenous communities hardest hit by the conflict; and the promotion of national reconciliation. In addition, the Government committed itself to protect human rights defenders and adopt the security, legal and constitutional measures necessary for full enjoyment and protection of human rights.

7. The challenges were enormous. The Government needed to construct a legal framework for independent democratic institutions. A new police force had to be built from the ground up. The judicial sector organizations were staffed by many poorly qualified, inefficient and corrupt professional and administrative staff and hampered by antiquated procedures, equipment and infrastructure. Most of the country, in particular the indigenous communities, had no access to the formal justice sector. Each of these institutions would have to overcome a legacy of subservience to the military and powerful economic and political actors, while combating the efforts of many of these same actors to undermine reform programmes that would threaten their historic ability to control State institutions and policy with impunity.

B. Overall assessment of human rights in Guatemala seven years after the signing of the peace agreements

8. In assessing the progress made in human rights since the signing of the peace agreements, it should be noted that Guatemala is a different country today than it was at the termination of the armed conflict. The ending of the violence and authoritarian, repressive State practices associated with the war brought enormous benefits to the areas of the country that suffered the terrible impact of the fighting. The guerrillas were demobilized and reorganized as a political party that freely contested the 1999 and subsequent national and local elections. The civil defence patrols were officially disbanded and their weapons turned in to the armed forces. Resettlement of refugees and internally displaced populations advanced, although many of those communities lack important assistance even today. Commitments to reduce the size of the armed forces and the military percentage of the budget (as compared with 1995) by 33 per cent were met in 1998 and 1999, respectively.

9. Most of the framework for a fully participatory democratic State has been created. Legal reforms from 1994 to 1998 established the bases for independent police, prosecution and justice systems, and the Supreme Court and the Public Prosecutor's Office began implementing multi-year modernization programmes with the assistance of the international community. An independent civilian police force was created and fully deployed by 2001.

10. The opening and democratization of the political process has also been an important accomplishment. Guatemala's political system is competitive, although political parties and the Congress are still weak. In Guatemala's first post-peace agreements national elections, held in 1999, power was peacefully transferred from the governing party, the Partido de Avanzada Nacional, to an opposition party, the Frente Republicano Guatemalteco. National elections were again under way as this report was produced. Although marked by controversy over the candidacy of Efrain Rios Montt and some violence, the campaign remained competitive and international observers were deployed to help ensure an open and fair contest and a legitimate outcome.

11. The press is free and vigorous, highly vocal on political matters, with newspapers, in particular, extremely critical of the Government. Nonetheless, problems persist, as members of the press have been threatened and harassed for reporting on human rights cases and Government corruption. The Public Prosecutor's Special Prosecutor for Crimes against Journalists and Labour has

received 89 complaints from the press since June 2001. Domination of the media by a few actors serves to discourage a wider spectrum of national views and access to radio stations by the indigenous populations (a commitment of the peace agreements). The critical approach of the press towards the Government has, at times, lacked sufficient objectivity and balance.

12. Since 1997, the Government has strengthened the national human rights protection framework by ratifying important international human rights treaties, adopting a long-awaited anti-discrimination law and demonstrating a welcome willingness to resolve human rights cases brought against the State of Guatemala in the Inter-American Court of Human Rights. In addition, after years of frustrating delays in discussions with civil society organizations and victims groups, the Government took a major step forward in 2003 on long-pending commitments by creating the National Reparations Commission, a body responsible for developing programmes for compensating the victims of the armed conflict and their communities.

13. The Human Rights Ombudsman appointed in 2002 has been a highly visible defender of the human rights of Guatemala's citizens, intervening on a wide range of problems on behalf of victims, firmly establishing the office in the public eye as the key national institution for the defence and promotion of human rights. The Ombudsman is making important strides to fulfil his constitutional role in spite of serious budget limitations and threats and attacks against his staff and offices.

14. The emergence of civil society organizations with a growing capacity to monitor human rights, pursue legal remedies, critique Government programmes and develop policy proposals has been a promising development. Civil society organizations played important roles in the selection of Supreme Court justices in 1999 and the Public Prosecutor and Human Rights Ombudsman in 2002. Organizations representing indigenous populations are playing a greater role in developing agendas and proposals concerning indigenous political, economic and cultural rights even in the face of continued discrimination and isolation.

15. However, these steps forward have been progressively undermined by several negative trends that have persisted since the signing of the peace agreements. First, and perhaps most serious, the Government, Congress, political parties and the business community appear to have forsaken the institutional development measures at the heart of the peace agreements and the consolidation of a democratic State. This problem has been noted at least since 1999, when a national referendum to incorporate the peace agreements into the Guatemalan Constitution was defeated and many of the commitments due to be completed in 1999 had to be rescheduled for 2001. The business community has repeatedly opposed Government and Congressional efforts to raise the tax rate towards the threshold set out in the peace agreements of 12 per cent and issue bonds to finance social spending priorities. The Government and the Congress have not adequately financed the strengthening of the police, the judiciary, the Public Prosecutor's Office or that of the Human Rights Ombudsman. Many bills mandated under the peace agreements remain pending in the legislative pipeline. The post-peace agreements Governments have been reluctant to reduce the role of the military in civilian affairs, particularly in public security and disband the Presidential General Staff, an organization notorious for its human rights record.

16. The second trend is the disregard of key human rights and rule of law institutions occurring during a period marked by a rise in criminal violence and the increasing presence and activity of organized crime and drug trafficking cartels throughout the country. The number of violent deaths since the end of the conflict increased from 3,200 in 1995 to 3,999 in 1997, declined to 2,655 in 1999, and then shot up again to 3,600 in 2002, leaving Guatemala with one of the highest violent crime rates in Latin America. Mob lynchings continued in the interior of the country where State presence remains weak, resulting in 240 confirmed deaths and 723 injuries between 1996 and 2002.

17. Third, full compliance with the commitments of the peace agreements to reorganize or dismantle the State organs of repression has been questioned as a result of the continued involvement of the army in public security activities; former PAC members reorganizing to demand payment for services during the armed conflict; evidence of the involvement of military intelligence, including members of the Presidential General Staff, in efforts to block investigations and trials for human rights violations committed during the conflict; and the mutation of clandestine structures from the era of the conflict into multifaceted networks engaged in corruption and organized crime. Members of the Presidential General Staff were implicated in the killings of anthropologist Myrna Mack (1990), then-President of the Constitutional Court, Epaminondas González Dubón (1994), Pedro Sas Rompich (1996) and Monsignor Juan José Gerardi (1998); participated in anti-kidnapping operations with the police in 1997; carried out parallel investigations in the Edgar Ordóñez Porta, Mack and Gerardi cases, which distorted the investigations carried out by the Public Prosecutor and the judiciary; and were implicated in the surveillance of forensic anthropologists in 2003. This organization was finally disbanded in late 2003.

18. Fourth, the harassment and intimidation of human rights defenders has continued since 1997. The Mission investigated 43 cases of threats against human rights defenders in 1998 (26 death threats), 57 in 1999 (35 death threats) and 77 in 2000 (34 death threats). In the 2001-2002 period, the number of cases jumped significantly, rising to 140 (63 death threats) in 2001 and 82 in 2002 (38 death threats). International concern over this climate of intimidation led to visits from the Special Rapporteur of the Commission on Human Rights on the independence of judges in 1998 and 2001, the Special Representative of the Secretary-General on human rights defenders in 2002 and the Inter-American Commission on Human Rights in 2003.

19. Fifth, the response from the State institutions responsible for public order and criminal justice — seriously underfinanced and plagued by slow reforms, inadequately trained personnel, and corruption — has been poor. The National Civil Police has been undermined by widespread corruption and an inability to stem the rise in criminal violence. The Public Prosecutor and courts have made little significant headway in combating corruption and organized crime or in investigating the ongoing harassment of human rights defenders and judicial sector officials. Important human rights investigations and judicial proceedings have languished unless accompanied by extraordinary efforts from individual judiciary officials and civil society organizations.

20. The increasing polarization of the political climate since 1999 has also slowed progress in compliance with the commitments of the peace agreements. The

Government of President Portillo has been marked by a series of corruption scandals producing intense criticism and conflict between the Government, on one hand, and opposition parties, the business community, civil society and the press, on the other, and paralysing much of the legislative agenda, including peace agenda priorities. Land and labour disputes and other social tensions have intensified amid an agrarian crisis worsened by the collapse of world coffee prices and a shortage of funds for social policies. The tensions culminated in mid-2003 over legal challenges to the presidential candidate of the Frente Republicano Guatemalteco, Efrain Ríos Montt, barred from two earlier elections by court decisions applying the constitutional provision prohibiting anyone who had participated in or benefited from a coup d'état from running for president. The party's strategy for reversing those decisions, which included two days of mob protests in the capital, generated an institutional crisis when perceived manipulation by the party of the Constitutional Court eventually led to a widely criticized decision in favour of Ríos Montt's candidacy which was a blow to the integrity and independence of the justice system.

21. The isolation and discrimination faced by Guatemala's indigenous peoples — half the country's population — have not visibly changed since 1997. Government steps to fulfil the commitments of the peace agreements in this area have been marked by a lack of political will and inadequate financial resources. Indigenous populations, particularly women, remain disproportionately poor, suffer high rates of illiteracy and health and social problems, largely as a result of lack of access to health care, education, decent housing, employment and social services. The Special Rapporteur of the Commission on Human Rights on the situation of human rights and fundamental freedoms of indigenous people noted after a 2002 visit that Guatemala's structural discrimination was rooted in indigenous communities' lack of access to land and justice institutions and de facto exclusion from politics.

22. In sum[mary], seven years after the end of the armed conflict, Guatemala has reached a crucial turning point. Despite hopeful advances just after the signing of the peace agreements, the country is now moving in the wrong direction with regard to human rights issues. Momentum for the reform of crucial institutions, principally the police, the Public Prosecutor and the courts, has stalled at a time when changes have not fully taken root, and modernization efforts are starved of budgetary resources and political support.

23. Even in the midst of this difficult panorama, the foundations for most of the institutional reforms called for in the peace agreements are in place, awaiting a renewed commitment from the next Government to provide the policy and financial support necessary to begin to reverse the negative trends of recent years. The Government's recognition of the danger to human rights and the consolidation of democracy posed by the penetration of organized crime and drug trafficking is encouraging. It has adopted a proposal developed by human rights organizations and the Human Rights Ombudsman to investigate the clandestine groups associated with threats against human rights defenders, State corruption and organized crime. The proposal is currently under discussion with the United Nations. In addition, the Government has invited the Office of the United Nations High Commissioner for Human Rights to open an independent office in Guatemala to ensure continued international observation of the human rights situation and support to national human rights institutions after the termination of the MINUGUA mandate.

III. Challenges for the modernization and reform of key State institutions

24. As noted, the human rights problems that continue to beset Guatemala seven years after the end of the conflict are rooted in the failure of the State to progress further on important institutional reforms. While most of the legal framework for police and judicial sector reform (other than the prison system) is in place and modernization programmes have been under way for several years, the failure to adequately finance and implement key changes has hampered progress. In addition, the reforms themselves, while moderately improving the administration and case management of the courts and the Public Prosecutor's Office, have yet to translate into visible changes in the quality or speed of judicial investigations or trials. The principal institutional challenges remain (a) the establishment of open and transparent selection, training and career paths for qualified officials, (b) the installation of modern administrative and investigation procedures and technologies that facilitate efficiency and public accountability, (c) effective coordination mechanisms among the public security and justice sector institutions, and (d) extending the reach of justice sector institutions to the entire country in a way that respects and incorporates the cultural traditions and practices of indigenous communities.

A. National Civil Police

25. The difficult condition of the National Civil Police (PNC) is one of the most serious setbacks in the peace process. A consistent pattern of neglect since 1998 has transformed the institution responsible for guaranteeing public security into the principal source of human rights violations in the country today. The Mission confirmed police responsibility for seven extrajudicial executions (and one attempted murder) in 1998. Those numbers jumped to 20 killings (with two attempted murders) in 1999, 16 killings (and 18 attempted murders) in 2000, 40 killings (and 19 attempted murders) in 2001 and 43 killings (and 10 attempted murders, with 10 cases still under investigation) in 2002. MINUGUA has also verified an average of 66 cases of torture and 165 cases of cruel treatment and excessive use of force each year between 1999 and 2002. In addition, the Mission is receiving increasing information about police involvement in corruption, drug trafficking, organized crime and social cleansing activities throughout the country.

26. The deterioration of PNC is the result of several related problems. First, the Government has failed to adopt a strategic plan for the long-term development of the institution in the light of the public security challenges facing Guatemala. A draft plan for a policy for fighting crime in a democratic State approved by the Coordinating Body for the Modernization of the Justice Sector in December 2000 has been ignored. Police deployments and anti-crime programmes are therefore ad hoc, responding to the emergency of the moment, and the Government turns to the military, an organization with no civilian policing training and a terrible human rights record during the armed conflict, to support anti-crime patrols. In addition, planning capabilities have been undermined by constant changes in senior leadership: the Portillo Administration has appointed and removed four Ministers of the Interior and eight PNC directors since 2000.

27. Second, the PNC record of recruitment and training of police officers has been problematic. PNC made a strategic error in 1997 when it decided to incorporate officers from the former police units (35 per cent of the current force), undermining from the outset the goal of recruiting new officers with no prior human rights record. It struggled to recruit and train enough new personnel to meet the minimum of 20,000 set out in the peace agreements by the end of 1999, failing that goal by two years. This was largely the consequence of poorly planned and implemented recruiting campaigns, launched with little public notice and limited geographic scope, reducing the quantity and quality of potential applicants, a situation made worse by the inability of PNC to verify the past records of candidates for vacant posts. The National Civil Police Academy, the key to the education and training of the police force, has faced serious problems since 2001. Once PNC achieved its goal of 20,000 officers, the Ministry of the Interior and the PNC leadership appeared to conclude that supporting the Academy was no longer a priority. Drastic budget cutbacks in 2002 (a reduction to 9 million quetzales,[a] from 45 million in 2001) almost led to the closure of the school.

28. Third, the present force size is far too small for Guatemala's population, geography and levels of crime. While the peace agreements committed the Government to a minimum threshold of 20,000 officers, international standards (four police officers per 1,000 population in countries with low crime rates) indicate that Guatemala's police force should have a minimum of 44,000 officials.

29. Fourth, the Criminal Investigation Service, responsible for investigating crimes and providing the results to the Public Prosecutor's Office, lacks qualified personnel, infrastructure and equipment and modern information and case-management systems, and is only present in 15 of the country's 22 departments, with half of its 600 investigators concentrated in the capital. The Service is also understaffed by approximately 50 per cent. Conflicts with the Public Prosecutor over jurisdiction and responsibility for criminal investigations have contributed to the poor quality and long delays in producing evidence for prosecutions and, therefore, the persistence of impunity.

30. Fifth, human rights abuses and corruption remain widespread because the supervisory and disciplinary procedures of PNC are inadequate and the Public Prosecutor's Office has been able to investigate only a handful of the most serious and publicly visible cases. As of July 2003, some 1,600 complaints for serious violations of police regulations and criminal conduct were pending. In approximately 470 (30 per cent) of these cases, no investigation has been opened; in 870 (55 per cent) cases, investigations have been opened but not completed; and in 250 cases (15 per cent), the charges have been dismissed. More striking yet, some 2,300 police officers (some 12 per cent of the entire force) have been implicated in these complaints. About 67 per cent of the cases involve serious criminal charges — corruption, robbery, extortion, fraud, extrajudicial killings and torture — while the remainder involve serious violations of internal procedures and norms. A new disciplinary code that comes into effect in November 2003 should provide PNC with much greater internal authority to investigate, discipline and remove officers charged with serious violations of police regulations. Nonetheless, the institution will have to greatly strengthen its very weak oversight and control capability in order to implement the new rules effectively.

[a] The exchange rate is 7.99 quetzales to 1 United States dollar.

31. Finally, the Government and Congress have failed to provide PNC with adequate financial resources, even though the country faces a grave public security crisis and the police force is plagued by deep organizational, training and disciplinary problems. While the PNC budget grew modestly from 625 million quetzales in 1998 (although the police director had requested 1,411 million) to 842 million quetzales in 2000, the amounts were not adequate to finance the full expansion of the force to 20,000 and its deployment nationwide. The allocated budget for PNC has varied from 1,085 million quetzales in 2002 (1,411 million requested) to 1,324 million quetzales in 2003 (2,174 million requested). For 2004, PNC requested 2,000 million quetzales, while the Ministry of Finance reduced that number to 1,300 million quetzales, essentially the budget number for the current year. With approximately 880 million quetzales dedicated to cover salaries in 2004, little would remain for current vitally needed equipment, training, infrastructure improvements and force expansion.

B. Reform of the justice sector

32. A flurry of projects establishing the legal and administrative framework for reform of the justice sector — the judiciary, the Public Prosecutor's Office, the penitentiary system and the Public Defender Institute — were launched just after the signing of the peace agreements. The Supreme Court designed a five-year modernization plan (1997); a Commission for the Strengthening of the Justice Sector was established (1997) and issued comprehensive reform recommendations (1998); the Coordinating Body for the Modernization of the Judicial Sector was created (1997) and began executing a modernization loan provided by the Inter-American Development Bank (1998); the Public Prosecutor began restructuring the Public Ministry (1998); the Public Defender Institute was set up (1997) and achieved financial independence (1999); and the prison system began to design a modernization programme (1999). The Congress institutionalized reforms to the way judges are selected, trained, promoted and evaluated with the adoption of the Judicial Career Law and the Judicial Systems Civil Service Law and created the Judicial Career Council in late 1999. A new National Commission for the Strengthening of the Justice Sector was established in 2000 to follow up the reform and modernization initiatives.

33. Nevertheless, the administrative implementation of the reforms has been slow and uneven, hampered by internal and external opposition to change, a lack of qualified personnel, frequent changes in senior leadership and, in recent years, inadequate budgets. Full implementation of the Judicial Career Law is crucial for the replacement of judicial personnel from the pre-1997 period with judges and administrators educated and trained for an independent, efficient, modern justice system. The Unit for Institutional Training of the Supreme Court selects judicial candidates for a six-month training course and the Supreme Court is required to make appointments from a list of course graduates. Since 1998, the unit has completed four courses, from which some 121 judges have been appointed. In 1999, the Supreme Court set an important example when a new court was appointed after an open and transparent nomination process. The Supreme Court began reviewing the performance of judges in November 2001 with the evaluation of 66 trial judges whose appointment period was ending. The evaluation process gave 49 judges satisfactory marks, while 17 did not meet minimum standards.

34. However, the new selection, promotion and disciplinary standards have not been clearly defined and implemented in a fully transparent manner. The Supreme Court has, in some cases, conducted its own interviews of training unit graduates and not selected candidates based on examination rankings. Performance criteria have also been unclear. The Judiciary Career Council has addressed concerns about transparency and fairness by issuing detailed regulations and a manual on evaluation standards for judges. The need for judicial appointments based on merit and not political criteria was demonstrated in the 2003 crisis over the inscription of Rios Montt: the widely criticized political behaviour of the Constitutional Court, whose members are appointed by political sectors, contrasted sharply with the adherence to legal procedures and precedents by a Supreme Court selected openly on the basis of qualifications.

35. The expansion of courts has been consistent, but slow. At the signing of the peace agreements, Guatemala had 205 trial court judges and 279 justices of the peace. Almost eight years later, the judiciary has 281 trial court judges (a 73 per cent increase) and 379 justices of the peace (a 74 per cent increase). The Supreme Court had established mediation and conciliation centres to help ease court congestion in all 22 departments by the end of 2002 (but the centres still operate outside the Guatemalan legal framework, leaving no clear way for formal justice institutions to recognize or enforce mediation decisions). While these expansion programmes have been important, Guatemala only averaged 4.8 tribunals per 100,000 inhabitants at the end of 2002, an average of one tribunal for every 20,832 persons. In the interior of the country, the numbers are much lower; Alta Verapaz and Izabal, for example, have one tribunal per 40,000 and 36,000 persons, respectively. The Central American average is one tribunal per 16,400 inhabitants.

36. Efforts to improve access to justice have focused on constructing new judicial centres in underserved indigenous areas, expanding justice of the peace courts and adding bilingual staff and interpreters. Five judicial administration centres are now operating, but budgetary uncertainties (they were financed by an international loan), problems coordinating the work of the different judiciary actors and a lack of bilingual staff have raised concerns over their survival in the longer term. Justices of the peace, mostly non-lawyers selected from the community in which they work, have utilized informal, equity-based approaches to resolving non-criminal disputes compatible with indigenous law and cultural practices. Since 2002, however, the jurisdiction of the justice of the peace has expanded to include minor crimes, prompting a confusing change in the role of the court away from informal, equity-based dispute resolution towards formal legal procedures that clash with indigenous norms and practices. The expansion of the justice of the peace courts may, then, end up impeding community-based conciliation and dispute resolution practices and further excluding indigenous communities from the legal system, unless the procedural rules are modified. Finally, Supreme Court statistics indicate a major increase in the number of bilingual judges, administrators and interpreters in the judicial system, increasing from a total of 125 (98 judges, 23 assistant judges and 4 interpreters) in 2001 to 550 (98 judges, 323 assistant judges, 43 interpreters and 86 administrative personnel) in 2002.

37. Although the judiciary has undertaken major reform initiatives since 1997, the functioning of the courts has not improved visibly. The new Judicial Career Law has not yet made a notable impact on purging poorly qualified and performing judges, many holdovers from the pre-1997 judiciary. Administrative modernization of case

management has been slow. The workload per judge is heavy (for example, trial court judges in Guatemala City averaged 1,600 new cases per year in 2001). A 2002 draft of a new General Procedure Code aimed at unifying and simplifying all non-penal procedures (civil, business, family and labour), introducing oral hearings and decisions for faster outcomes and transparency, but it remains in suspension pending resolution of the failure of the current draft to properly reflect indigenous legal traditions and practices.

38. The work of judges has also been impeded by growing threats and intimidation in human rights, corruption and drug trafficking cases. The Special Prosecutor for Crimes against the Judicial Sector received 212 complaints in 2001-2002, of which 43 involved threats against judges, 30 against lawyers and 19 against prosecutors. In 2002, a justice of the peace was murdered by a mob; in 2003 a member of the appellate court for administrative issues was killed in an apparent hold-up and, a few days later, a judge working on high-profile narcotics cases was the victim of an assassination attempt. Two public prosecutors (including the Special Prosecutors for Human Rights Defenders) were also attacked. The Government has failed to provide resources for adequate protection, forcing the Supreme Court to set up its own security unit, but this force does not have the personnel, equipment or funds to assist the large number of judges who receive threats.

39. As with the other priority peace institutions, reform progress has been hindered by serious budget shortfalls since 2000. Between 1999 and 2000, national budget contributions increased from 366.5 million quetzales to 494 million, funds that financed the initial implementation of the Judicial Career Law, the creation of new courts, hiring of additional judges and administrative modernization. However, budget reductions to 453 million in 2001 and 407 million in 2002, combined with significant delays in the delivery of allocated funds, prompted a financial crisis and the suspension of a number of modernization, renovation and expansion projects. After the cutbacks in 2001 and 2002, the Supreme Court requested 1,000 million quetzales for 2003 and was authorized 623 million, a 21 per cent increase over the 2000 allocation. These budgets appear more limited when compared with the budgets of other court systems in Central America: while Guatemala spends $5.90 per person (2 per cent of the national budget), Panama spends $10.80 per person (4 per cent of its national budget), El Salvador spends $16.80 (6 per cent) and Costa Rica, $21.80 (6 per cent).

40. Prison reform saw little progress, notwithstanding two bloody riots in 2002-2003 that left 21 dead and underscored the lawlessness, overcrowding and corruption in the system. In 2003, Congress rejected a prison modernization bill and the recommendations of a Consultative Commission on the Penitentiary System remained unimplemented. Central aspects of penitentiary modernization, including the improvement of the School for Penitentiary Studies, health services and programmes for the rehabilitation of prisoners, remained seriously underfunded.

C. Office of the Public Prosecutor

41. The creation of an independent Public Prosecutor's Office in 1994 responsible for guaranteeing the strict application of the law in accordance with Guatemalan and international norms, including the investigation and prosecution of crimes and human rights violations, was an important step towards establishing the rule of law

in Guatemala. As with the judiciary, the reform challenges were enormous, beginning with an overhaul of the prosecutorial staff, continuing with the restructuring and modernization of administrative procedures and practices, and concluding with the extension of the Office beyond the 10 per cent of the municipalities it covered in 1997.

42. The Public Prosecutor's Office developed a strategic modernization plan in 1996 for the reorganization of district and municipal prosecutor's offices, overhauling operations in the capital by the end of 1999 and in the interior by the end of 2001. However, a new Public Prosecutor appointed in 1998 modified the strategic plan to focus on a new set of priorities for his 1998-2002 term. Progress slowed and the Mission noted few improvements between 2000 and mid-2002. Prosecutors continued to be appointed, promoted and removed by the Public Prosecutor with no transparent selection criteria and no implementation of civil service norms. The Office had not established a comprehensive education and training programme for new prosecutors, and its training unit focused on providing seminars on diverse topics, rather than serving as the centre for the selection and education of new staff as called for in the peace agreements.

43. In mid-2002, a new Public Prosecutor was appointed to a five-year term after an open selection process in which a group of civil society organizations promoted a public evaluation of the candidates. During his first year, the new Public Prosecutor produced a policy document to guide institutional strategies, entitled "A Democratic Crime Policy for the Public Ministry", and a new programme to "re-engineer" and modernize the Office, focusing on three strategic axes: reorganizing the prosecutors' offices, including the addition of 200 new prosecutors; the creation of a criminal investigation agency inside the Office, a controversial proposal that appears to assign functions that legally pertain to PNC; and the creation of a training programme for prosecutors through the establishment of a University Centre for Justice and Prosecutors. In response to the ongoing threats against human rights activists, a Special Prosecutor for Crimes against Human Rights Defenders was created.

44. Although the new Public Prosecutor began his term with a series of important initiatives aimed at revitalizing the reform process, his first year was controversial. He raised the public profile of the institution, but was criticized by the press for grandstanding and for the mixed results on investigations into corruption cases. The controversy was heightened by the resignation of prosecutors investigating corruption and human rights complaints. The re-engineering programme focused on internal reforms, in particular new computerized case management and file control systems. The Public Prosecutor continued the practice of nominating officials through personal service contracts, but began to apply norms for a transparent prosecutorial career in 2003 with the announcement of a competitive process for the selection of the 200 new prosecutors promised in his modernization proposal. However, planned expansion of the number of prosecutors in the interior of the country had not yet resulted in a significant number of new appointments. As at September 2003, the Office had a total of 756 prosecutorial staff (31 senior prosecutors, 6 assistant district prosecutors, 142 prosecutors and 578 assistants), only 30 more than in 2002 (38 senior prosecutors, 131 prosecutors and 557 assistants). In terms of geographic coverage, the Public Prosecutor still had offices in only 10 per cent of Guatemala's municipalities, which was no improvement over 1997.

45. In general, most of the specialized prosecutor units did not demonstrate better results, largely because of a lack of definition of responsibilities and jurisdiction and inadequate staff and other resources. For example, the Special Prosecutor for Crimes against Journalists and Labour has received 202 complaints since June 2001 but has filed charges in just two cases. The Special Prosecutor for Crimes against Human Rights Defenders has received 79 complaints since June 2002: seven have been closed and charges have been filed in five cases. In response to an increase in threats against human rights defenders, the Public Prosecutor greatly strengthened the Office of the Special Prosecutor for Crimes against Human Rights Defenders in mid-2003, expanding the unit from 3 to 60 staff members, and MINUGUA has since noted advances in the investigation of a number of important pending cases.

46. As with the other justice sector institutions, inadequate national budgets have contributed to the slow pace of reform since 2000. The budget for the Office of the Public Prosecutor has grown significantly since 1996, rising from 189.6 million quetzales (149.5 million from the national budget) in 1997 to 433 million (399 million from the national budget) in 2003, a 53 per cent increase over six years. Nonetheless, the increases began from a wholly inadequate 1996 base and were not sufficient to finance needed internal reforms and the expansion of the Public Prosecutor's Office to the underserved interior of the country. In May 2002, the new Public Prosecutor asked Congress for an increase of 220 million quetzales, insisting that the current budget would not allow for reforms or the expansion of services; he received a 60-million quetzal supplemental allocation. For the 2003 budget, he requested 700 million quetzales, but was only awarded 399 million. The Government's 2004 budget proposal allocates 458 million quetzales, a 21 per cent increase, still modest in the light of the institution's needs.

47. The Public Prosecutor has been able to demonstrate, in a limited number of cases, a capacity to act effectively against State officials accused of human rights violations and corruption. In 2002, for example, 16 police officers in the notoriously corrupt (and later disbanded) PNC anti-drug unit were convicted of murdering two civilians in an illegal drug operation. In September 2002, two individuals were convicted for the killing of a prosecutor during a 2001 robbery and three for the 2001 lynching of a justice of the peace (although the case must now be retried because of due process violations). The Public Prosecutor arrested a number of senior Government officials in 2003 in connection with the theft of funds from Guatemala's social security fund.

48. Nonetheless, by late 2003 the ability of the justice sector, including the Public Prosecutor's Office, to respond to crime, corruption and human rights violations had not notably improved since 1997. The Public Prosecutor himself noted that of the 3,500 known homicides committed in 2002, only 200 suspects were arrested, of which, only 78 were ultimately convicted, a resolution of just 2 per cent of all homicides in that year, a rate equal to that estimated by MINUGUA for the work of the Public Prosecutor's Office in 1998.

D. Impunity

49. The Government has not made significant progress on its commitment to end impunity for human rights violations, particularly the crimes committed during the conflict described in the report of the Commission for Historical Clarification

(A/53/928, annex). Many of the cases stem from massacres, such as those committed in Dos Erres (178 civilians tortured and killed over three days by the army in 1982); Río Negro (70 females and 107 children killed by army soldiers and PAC's in 1982); El Aguacate (21 peasants killed by a guerrilla patrol in 1988); and Cuarto Pueblo (400 residents of a village executed by the army in 1982). Others involve the assassination or forced disappearance of human rights activists and political figures, such as Myrna Mack (1990); Epaminondas González Dubón (1994); Jorge Carpio, a presidential candidate killed during the 1995 campaign; Manuel Saquic, a pastor and human rights coordinator (1995); and Monsignor Juan José Gerardi (1998). Other, more recent cases, such as the 2001 disappearance of university professor and former member of URNG, Mayra Gutiérrez and the killing of Barbara Ann Ford, a member of a religious order working on mental health projects in indigenous communities, remain unsolved.

50. Two important cases, namely, the murders of Monsignor Gerardi and Myrna Mack, registered advances and resulted in convictions in 2001 and 2002, respectively, against members of the Presidential General Staff. The cases continue on appeal (an appeals court notoriously favourable to the military overturned both convictions but, in the Gerardi case, the Supreme Court overruled the appellate court and ordered that the case continue, a decision confirmed by the Constitutional Court, while a Supreme Court decision on the Mack appeal is pending). Nevertheless, the verdicts represented the culmination of 12 years of extraordinary efforts on the part of the Mack family and four years by the Office of Human Rights of the Archdiocese of Guatemala and a handful of committed prosecutors, judges and witnesses to overcome relentless efforts to undermine the proceedings.

51. Impunity in Guatemala is directly tied to the administrative and management weaknesses of rule of law institutions described above, as well as a lack of interest or will by State officials to investigate or prosecute and the use of threats, intimidation, corruption and killings, particularly in cases involving military defendants, to undermine cases. Impunity cannot be reduced without significant progress on police, prosecution and court reforms. Experience in other post-conflict societies also suggests that, unless reform programmes move forward at the same pace in all justice sector institutions, they will not produce visible improvements in reducing crime, corruption and impunity.

IV. Final observations

52. **The loss of momentum for the reform of public security and justice institutions has undermined hopes for improving the fragile human rights situation in Guatemala. The deterioration of the National Civil Police and slow modernization of the courts and the Public Prosecutor's Office have undermined key commitments of the peace agreements: there has been almost no significant progress in combating impunity or eliminating clandestine groups; human rights defenders and judicial sector officials remain subject to ongoing threats, harassment and, in some cases, fatal attacks; and systematic discrimination against indigenous communities continues unabated. Progress on these issues will require renewed dedication to institutional reform on the part of the next Government.**

53. Important advances have been made in a number of human rights areas since 1997, in particular the Government's commitment to ratifying international human rights treaties, improving relations with the Inter-American Commission on Human Rights, adopting an anti-discrimination law, establishing a National Reparations Commission and beginning to improve access to justice for indigenous communities. The political process is open and competitive and the press is free and vocal, even in the face of threats and harassment. However, without the strengthening of fundamental State institutions, these advances may prove to be of limited value. Without adequately functioning rule of law institutions, for example, the effective implementation of the human rights treaties ratified by the Government since 1997 will be difficult.

54. It must be recognized that the profound political, social and cultural changes called for in the peace agreements cannot be fully achieved in seven years; as other post-conflict States have demonstrated, the transformation from authoritarian regimes to a democratic culture is a long-term project marked by faster and slower reform periods. Yet, in Guatemala, it is cause for concern that, not only are reforms progressing slowly, but the Government and a number of other political and social sectors no longer appear committed to the changes that are at the heart of the peace process.

55. Thus the urgent need for the next Government to build upon the achievements of the dedicated and courageous police officers, judges, prosecutors and human rights defenders who have helped to lay the foundations for reform. They have demonstrated — in the Mack and Gerardi cases, in the convictions of corrupt police officers, in arrests of State officials implicated in corruption — that State institutions can indeed function to end impunity and achieve justice for human rights violations with political will, organization and adequate resources.

56. The most immediate challenge is public security, particularly reversing the deterioration of PNC. The new Government must adopt as an early priority a comprehensive democratic public security strategy for the 2004-2008 period. The strategy should include a doubling of the minimum size of the force to 40,000 officers by the end of 2008, the establishment of strong internal professional controls on the basis of the newly adopted disciplinary regulations, the dismissal of officers with poor human rights and performance records, comprehensive new recruiting programmes and the strengthening and expansion of the Police Academy. The prison system requires a full overhaul, beginning with the adoption of the prison reform legislation rejected by the leadership of the Congress this year and implementation of the recommendations of the Commission for the Transformation of the Penal System.

57. The judicial sector actors — the courts and the Public Prosecutor — must intensify the speed and depth of modernization programmes already designed and under way. The Supreme Court and the Public Prosecutor should fully institutionalize and support the transparent implementation of civil service career structures now in place, accelerating the review of judges, prosecutors and administrative personnel to purge the institutions of poorly performing and corrupt officials. The installation of management systems to monitor the

flow of cases and performance of every judge and prosecutor should be accelerated. And security for judicial sector officials must be substantially improved. Finally, Constitutional Court magistrates should be selected on the basis of qualifications and merit, following procedures similar to those used to nominate members of the Supreme Court.

58. **The Supreme Court and the Public Prosecutor should accelerate the full integration of indigenous legal traditions and practices into the formal legal system, dramatically increase the bilingual capacity of the system and educate personnel on indigenous legal customs. Access to justice programmes, particularly the judicial administrative centres and the proposed expansion of the justice of the peace jurisdiction, should be modified to fully incorporate the equity-based, informal and local dispute resolution practices of indigenous communities. The Coordinating Body for Modernization of the Justice Sector, directed by the heads of the Supreme Court, the Office of the Public Prosecutor, the Interior Ministry and the Public Defender Institute, should assume its original purpose of coordinating modernization policies of all the sector's actors.**

59. **While the challenges are ambitious, the new Government should be able to tackle these priorities quickly: reform and modernization studies and strategies and legal frameworks have been completed in most cases and many programmes are well under way. What is required is a political commitment by the new Government and Congress to the urgent implementation of these reforms and a significant reallocation of budget resources for the 2004-2008 period to these priorities. Each institution should present detailed plans and budget proposals outlining how modernization programmes will be phased in over the next Government's term, with annual targets and indicators to measure progress and marshal ongoing support.**

60. **Civil society organizations should continue to work to produce independent, non-partisan analyses of the human rights situation, actively engage the State on important issues, and seek cross-sector alliances to advance the strengthening of democratic norms and practices.**

61. **The United Nations system continues to support the Guatemalan peace process. Following a request by the President, the Secretary-General has recommended that MINUGUA remain in the country until the end of 2004. The Mission is prepared to assist the new national and local governments taking office in January to reinvigorate the stalled reform programmes initiated under the peace agreements seven years ago. The Office of the United Nations High Commissioner for Human Rights plans to open an independent office to observe the Government's human rights performance and to provide technical assistance to the Human Rights Ombudsman, the judiciary, the Public Prosecutor and civil society organizations.**

62. **Guatemala's international donors are urged to fully support human rights institutional reform priorities on the basis of a demonstration of Government commitment through the allocation of appropriate funds from the national budget.**

United Nations A/58/567

General Assembly

Distr.: General
11 November 2003

Original: English

Fifty-eighth session
Item 94 (d)
Environment and sustainable development: further implementation of the Programme of Action for the Sustainable Development of Small Island Developing States

Draft provisional rules of procedure of the International Meeting to Review the Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States

Note by the Secretary-General

1. The General Assembly, in its resolution 57/262, decided to hold an international meeting to review the implementation of the Programme of Action for the Sustainable Development of Small Island Developing States in 2004 in Mauritius.

2. The draft provisional rules of procedure for the international meeting are contained in the annex to the present note, and are submitted to the General Assembly for approval.

03-60805 (E) 121103

Annex

Draft provisional rules of procedure of the International Meeting to Review the Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States

I. Representation and credentials

Rule 1
Composition of delegations

The delegation of each State participating in the International Meeting shall consist of a head of delegation and such other representatives, alternate representatives and advisers as may be required.

Rule 2
Alternates and advisers

The head of delegation may designate an alternate representative or an adviser to act as a representative.

Rule 3
Submission of credentials

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Secretary-General of the United Nations, if possible not less than one week before the date fixed for the opening of the International Meeting. The credentials shall be issued either by the Head of the State or Government or by the Minister for Foreign Affairs or, in the case of the European Community, by the President of the European Commission.

Rule 4
Credentials Committee

A Credentials Committee of nine members shall be appointed at the beginning of the International Meeting. Its composition shall be based on that of the Credentials Committee of the General Assembly of the United Nations at its fifty-eighth session. It shall examine the credentials of representatives and report to the International Meeting without delay.

Rule 5
Provisional participation in the International Meeting

Pending a decision of the International Meeting upon their credentials, representatives shall be entitled to participate provisionally in the Conference.

II. Officers

Rule 6
Elections

The International Meeting shall elect from among the representatives of participating States the following officers: a President and 14 Vice-Presidents,[1] from among which shall be selected a Rapporteur-General, as well as a Chairman for the Main Committee established in accordance with rule 46. These officers shall be elected with a view to ensuring the representative character of the General Committee. The International Meeting may also elect such other officers as it deems necessary for the performance of its functions.

Rule 7
General powers of the President

1. In addition to exercising the powers conferred upon him elsewhere by these rules, the President shall preside at the plenary meetings of the International Meeting, declare the opening and closing of each meeting, put questions to the vote and announce decisions. The President shall rule on points of order and, subject to these rules, shall have complete control of the proceedings and over the maintenance of order thereat. The President may propose to the International Meeting the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question, the adjournment or closure of the debate and the suspension or the adjournment of a meeting.

2. The President, in the exercise of his functions, remains under the authority of the International Meeting.

Rule 8
Acting President

1. If the President is absent from a meeting or any part thereof, he shall designate one of the Vice-Presidents to take his place.

2. A Vice-President acting as President shall have the same powers and duties as the President.

Rule 9
Replacement of the President

If the President is unable to perform his functions, a new President shall be elected.

Rule 10
Voting rights of the President

The President, or a Vice-President acting as President, shall not vote in the International Meeting, but may appoint another member of his delegation to vote in his place.

---

[1] Three from each of the following groups: African States; Asian States; Eastern European States; Latin American and the Caribbean States; and Western European and other States.

III. General Committee

Rule 11
Composition

The President, the Vice-Presidents, the Rapporteur-General and the Chairman of the Main Committee shall constitute the General Committee. The President, or in his absence one of the Vice-Presidents designated by him, shall serve as Chairman of the General Committee. The Chairman of the Credentials Committee and other committees established by the International Meeting in accordance with rule 48 may participate, without the right to vote, in the General Committee.

Rule 12
Substitute members

If the President or a Vice-President of the International Meeting is to be absent during a meeting of the General Committee, he may designate a member of his delegation to sit and vote in the Committee. In case of absence, the Chairman of the Main Committee shall designate the Vice-Chairman of that Committee as his substitute. When serving on the General Committee, a Vice-Chairman of the Main Committee shall not have the right to vote if he is of the same delegation as another member of the General Committee.

Rule 13
Functions

The General Committee shall assist the President in the general conduct of the business of the International Meeting and, subject to the decisions of the International Meeting, shall ensure the coordination of its work.

IV. Secretariat of the International Meeting

Rule 14
Duties of the Secretary-General of the International Meeting

1. The Secretary-General of the International Meeting shall act in that capacity in all meetings of the International Meeting and its subsidiary organs.

2. The Secretary-General of the International Meeting may designate a member of the secretariat to act in his place at these meetings.

3. The Secretary-General of the International Meeting or his designated representative shall direct the staff required by the International Meeting.

Rule 15
Duties of the secretariat of the International Meeting

The secretariat of the International Meeting shall, in accordance with these rules:

(a) Provide simultaneous interpretation of speeches made at meetings;

(b) Receive, translate, reproduce and circulate the documents of the International Meeting;

(c) Publish and circulate the official documents of the International Meeting;

(d) Prepare and circulate records of public meetings;

(e) Make and arrange for the keeping of sound recordings;

(f) Arrange for the custody and preservation of the documents of the International Meeting in the archives of the United Nations;

(g) Generally perform all other work that the International Meeting may require.

Rule 16
Statements by the secretariat

The Secretary-General of the United Nations, or any member of the secretariat designated for that purpose, may, at any time, make either oral or written statements concerning any question under consideration.

V. Opening of the International Meeting

Rule 17
Temporary President

The Secretary-General of the United Nations or, in his absence, any member of the secretariat designated by him for that purpose, shall open the first meeting of the International Meeting and preside until the International Meeting has elected its President.

Rule 18
Decisions concerning organization

The International Meeting shall at its first meeting:

(a) Adopt its rules of procedure;

(b) Elect its officers and constitute its subsidiary organs;

(c) Adopt its agenda, the draft of which shall, until such adoption, be the provisional agenda of the International Meeting;

(d) Decide on the organization of its work.

VI. Conduct of business

Rule 19
Quorum

The President may declare a meeting open and permit the debate to proceed when at least one third of the representatives of the States participating in the International Meeting are present. The presence of representatives of a majority of the States so participating shall be required for any decision to be taken.

Rule 20
Speeches

1. No one may address the International Meeting without having previously obtained the permission of the President. Subject to rules 21, 22 and 25 to 27, the President shall call upon speakers in the order in which they signify their desire to speak. The secretariat shall be in charge of drawing up a list of speakers.

2. Debate shall be confined to the question before the International Meeting and the President may call a speaker to order if his remarks are not relevant to the subject under discussion.

3. The International Meeting may limit the time allowed to each speaker and the number of times each participant may speak on any question. Permission to speak on a motion to set such limits shall be accorded only to two representatives in favour of and to two opposing such limits, after which the motion shall be immediately put to the vote. In any event, with the consent of the International Meeting, the President shall limit each intervention on procedural matters to five minutes. When the debate is limited and a speaker exceeds the allotted time, the President shall call him to order without delay.

Rule 21
Points of order

During the discussion of any matter, a representative may at any time raise a point of order, which shall be immediately decided by the President in accordance with these rules. A representative may appeal against the ruling of the President. The appeal shall be immediately put to the vote, and the President's ruling shall stand unless overruled by a majority of the representatives present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

Rule 22
Precedence

The Chairman or Rapporteur of the Main Committee, or the representative of a subcommittee or working group, may be accorded precedence for the purpose of explaining the conclusions arrived at by the body concerned.

Rule 23
Closing of the list of speakers

During the course of a debate, the President may announce the list of speakers and, with the consent of the International Meeting, declare the list closed.

Rule 24
Right of reply

1. Notwithstanding rule 23, the President shall accord the right of reply to a representative of any State participating in the International Meeting or of the European Community who requests it. Any other representative may be granted the opportunity to make a reply.

2. The statements made under this rule shall normally be made at the end of the last meeting of the day, or at the conclusion of the consideration of the relevant item if that is sooner.

3. The representatives of a State or of the European Community may make no more than two statements under this rule at a given meeting on any item. The first shall be limited to five minutes and the second to three minutes; representatives shall in any event attempt to be as brief as possible.

Rule 25
Adjournment of debate

A representative of any State participating in the International Meeting may at any time move the adjournment of the debate on the question under discussion. In addition to the proposer of the motion, permission to speak on the motion shall be accorded only to two representatives in favour and to two opposing the adjournment, after which the motion shall, subject to rule 28, be immediately put to the vote.

Rule 26
Closure of debate

A representative of any State participating in the International Meeting may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the motion shall be accorded only to two representatives opposing the closure, after which the motion shall, subject to rule 28, be immediately put to the vote.

Rule 27
Suspension or adjournment of the meeting

Subject to rule 38, a representative of any State participating in the International Meeting may at any time move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted and they shall, subject to rule 28, be immediately put to the vote.

Rule 28
Order of motions

The motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the question under discussion;

(d) To close the debate on the question under discussion.

Rule 29
Submission of proposals and substantive amendments

Proposals and substantive amendments shall normally be submitted in writing to the Secretary-General or his designated representative, who shall circulate copies to all delegations. Unless the International Meeting decides otherwise, substantive proposals shall be discussed or put to a decision no earlier than 24 hours after copies have been circulated in all languages of the International Meeting to all delegations. The President may, however, permit the discussion and consideration of amendments, even though these amendments have not been circulated or have been circulated only the same day.

Rule 30
Withdrawal of proposals and motions

A proposal or a motion may be withdrawn by its sponsor at any time before a decision on it has been taken, provided that it has not been amended. A proposal or a motion thus withdrawn may be reintroduced by any representative.

Rule 31
Decisions on competence

Subject to rule 28, any motion calling for a decision on the competence of the International Meeting to adopt a proposal submitted to it shall be put to the vote before a decision is taken on the proposal in question.

Rule 32
Reconsideration of proposals

When a proposal has been adopted or rejected, it may not be reconsidered unless the International Meeting, by a two-thirds majority of the representatives present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing reconsideration, after which the motion shall be immediately put to the vote.

VII. Decision-making

Rule 33
General agreement

The International Meeting shall make its best endeavour to ensure that the work of the International Meeting is accomplished by general agreement.

Rule 34
Voting rights

Each State participating in the International Meeting shall have one vote.

Rule 35
Majority required

1. Subject to rule 33, decisions of the International Meeting on all matters of substance shall be taken by a two-thirds majority of the representatives present and voting.

2. Except as otherwise provided in these rules, decisions of the International Meeting on all matters of procedure shall be taken by a majority of the representatives present and voting.

3. If the question arises whether a matter is one of procedure or of substance, the President of the International Meeting shall rule on the question. An appeal against this ruling shall be put to the vote immediately, and the President's ruling shall stand unless overruled by a majority of the representatives present and voting.

4. If a vote is equally divided, the proposal or motion shall be regarded as rejected.

Rule 36
Meaning of the phrase "representatives present and voting"

For the purpose of these rules, the phrase "representatives present and voting" means representatives casting an affirmative or negative vote. Representatives who abstain from voting shall be regarded as not voting.

Rule 37
Method of voting

1. Except as provided in rule 44, the International Meeting shall normally vote by show of hands, except that a representative may request a roll-call, which shall then be taken in the English alphabetical order of the names of the States participating in the International Meeting, beginning with the delegation whose name is drawn by lot by the President. The name of each State shall be called in all roll-calls, and its representative shall reply "yes", "no" or "abstention".

2. When the International Meeting votes by mechanical means, a non-recorded vote shall replace a vote by show of hands and a recorded vote shall replace a roll-call. A representative may request a recorded vote, which shall, unless a representative requests otherwise, be taken without calling out the names of the States participating in the International Meeting.

3. The vote of each State participating in a roll-call or a recorded vote shall be inserted in any record of or report on the meeting.

Rule 38
Conduct during voting

After the President has announced the commencement of voting, no representative shall interrupt the voting, except on a point of order in connection with the process of voting.

Rule 39
Explanation of vote

Representatives may make brief statements consisting solely of explanations of vote, before the voting has commenced or after the voting has been completed. The President may limit the time to be allowed for such explanations. The representative of a State sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended.

Rule 40
Division of proposals

A representative may move that parts of a proposal be decided on separately. If a representative objects, the motion for division shall be voted upon. Permission to speak on the motion shall be accorded only to two representatives in favour of and to two opposing the division. If the motion is carried, those parts of the proposal that are subsequently approved shall be put to the International Meeting for decision as a whole. If all operative parts of the proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

Rule 41
Amendments

A proposal is considered an amendment to another proposal if it merely adds to, deletes from or revises part of that proposal. Unless specified otherwise, the word "proposal" in these rules shall be regarded as including amendments.

Rule 42
Order of voting on amendments

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the International Meeting shall vote first on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.

Rule 43
Order of voting on proposals

1. If two or more proposals, other than amendments, relate to the same question, they shall, unless the International Meeting decides otherwise, be voted on in the order in which they were submitted. The International Meeting may, after each vote on a proposal, decide whether to vote on the next proposal.

2. Revised proposals shall be voted on in the order in which the original proposals were submitted, unless the revision substantially departs from the original proposal. In that case, the original proposal shall be regarded as withdrawn and the revised proposal shall be treated as a new proposal.

3. A motion requiring that no decision be taken on a proposal shall be put to the vote before a decision is taken on the proposal in question.

Rule 44
Elections

All elections shall be held by secret ballot unless, in the absence of any objection, the International Meeting decides to proceed without taking a ballot when there is an agreed candidate or slate.

Rule 45

1. When one or more elective places are to be filled at one time under the same conditions, those candidates, in a number not exceeding the number of such places, obtaining in the first ballot a majority of the votes cast and the largest number of votes, shall be elected.

2. If the number of candidates obtaining such majority is less than the number of places to be filled, additional ballots shall be held to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot to a number not more than twice the places remaining to be filled.

VIII. Subsidiary bodies

Rule 46
Main Committee

The International Meeting may establish a Main Committee as required which may set up subcommittees or working groups.

Rule 47
Representation on the Main Committee

Each State participating in the International Meeting and the European Community may be represented by one representative on the Main Committee established by the International Meeting. It may assign to the Committee such alternate representatives and advisers as may be required.

Rule 48
Other Committees and working groups

1. In addition to the Main Committee referred to above, the International Meeting may establish such committees and working groups as it deems necessary for the performance of its functions.

2. Subject to the decision of the Plenary of the International Meeting, the Main Committee may set up subcommittees and working groups.

Rule 49

1. The members of the committees and working groups of the International Meeting, referred to in rule 48, paragraph 1, shall be appointed by the President,

subject to the approval of the International Meeting, unless the International Meeting decides otherwise.

2. Members of the subcommittees and working groups of committees shall be appointed by the Chairman of the committee in question, subject to the approval of that committee, unless the committee decides otherwise.

Rule 50
Officers

Except as otherwise provided in rule 6, each committee, subcommittee and working group shall elect its own officers.

Rule 51
Quorum

1. The Chairman of the Main Committee may declare a meeting open and permit the debate to proceed when representatives of at least one quarter of the States participating in the International Meeting are present. The presence of representatives of a majority of the States so participating shall be required for any decision to be taken.

2. A majority of the representatives of the General or Credentials Committee or of any committee, subcommittee or working group shall constitute a quorum provided that they are representatives of participating States.

Rule 52
Officers, conduct of business and voting

The rules contained in sections II, VI (except rule 19) and VII above shall be applicable, mutatis mutandis, to the proceedings of committees, subcommittees and working groups, except that:

(a) The Chairmen of the General and Credentials Committees and the Chairmen of the committees, subcommittees and working groups may exercise the right to vote, provided that they are representatives of participating States;

(b) Decisions of committees, subcommittees and working groups shall be taken by a majority of the representatives present and voting, except that the reconsideration of a proposal or an amendment shall require the majority established by rule 32.

IX. Languages and records

Rule 53
Languages of the International Meeting

Arabic, Chinese, English, French, Russian and Spanish shall be the languages of the International Meeting.

Rule 54
Interpretation

1. Speeches made in a language of the International Meeting shall be interpreted into the other such languages.

2. A representative may speak in a language other than a language of the International Meeting if the delegation concerned provides for interpretation into one such language.

Rule 55
Languages of official documents

Official documents of the International Meeting shall be made available in the languages of the International Meeting.

Rule 56
Sound recordings of meetings

Sound recordings of meetings of the International Meeting and of the Main Committee shall be made and kept in accordance with the practice of the United Nations. Unless otherwise decided by the International Meeting or the Main Committee, no such recordings shall be made of the meetings of any working group thereof.

X. Public and private meetings

General principles

Rule 57

The plenary meetings of the International Meeting and the meetings of any committee shall be held in public unless the body concerned decides otherwise. All decisions taken by the Plenary of the International Meeting at a private meeting shall be announced at an early public meeting of the plenary.

Rule 58

As a general rule, meetings of the General Committee, subcommittees or working groups shall be held in private.

Rule 59
Communiqués on private meetings

At the close of a private meeting, the presiding officer of the organ concerned may issue a communiqué through the Secretary-General or his designated representative.

XI. Other participants and observers

Rule 60
Entities, intergovernmental organizations and other entities that have received a standing invitation from the General Assembly to participate in the capacity of observer in the sessions and work of all international conferences convened under its auspices

Representatives of entities, intergovernmental organizations and other entities that have received a standing invitation from the General Assembly to participate in the capacity of observer in the sessions and work of all international conferences convened under its auspices have the right to participate as observers, without the right to vote, in the deliberations of the International Meeting, the Main Committee and, as appropriate, any other committee or working group.

Rule 61
Associate members of regional commissions

Representatives designated by the associate members of regional commissions may participate as observers, without the right to vote, in the deliberations of the International Meeting, the Main Committee and, as appropriate, any other committee or working group.

Rule 62
Representatives of the specialized agencies[2]

Representatives designated by the specialized agencies may participate, without the right to vote, in the deliberations of the International Meeting, the Main Committee and, as appropriate, any other committee or working group on questions within the scope of their activities.

Rule 63
Representatives of other intergovernmental organizations

Save where otherwise specifically provided with respect to the European Community in these rules of procedure, representatives designated by other intergovernmental organizations invited to the International Meeting may participate as observers, without the right to vote, in the deliberations of the International Meeting, the Main Committee and, as appropriate, any other committee or working group on questions within the scope of their activities.

Rule 64
Representatives of interested United Nations organs

Representatives designated by interested organs of the United Nations may participate as observers, without the right to vote, in the deliberations of the International Meeting, the Main Committee and, as appropriate, any other committee or working group on questions within the scope of their activities.

[2] For the purpose of these rules, the term "specialized agencies" includes the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons, the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, the World Tourism Organization and the World Trade Organization.

Rule 65
Representatives of non-governmental organizations[3]

1. Non-governmental organizations accredited to participate in the International Meeting may designate representatives to sit as observers at public sessions of the Meeting and its Main Committee.

2. Upon the invitation of the presiding officer of the International Meeting and subject to the approval of the Meeting, such observers may make oral statements on questions in which they have special competence. If the number of requests to speak is too large, the non-governmental organizations shall be requested to form themselves into constituencies, such constituencies to speak through spokespersons.

Rule 66
Written statements

Written statements submitted by the designated representatives referred to in rules 60 and 61 shall be distributed by the secretariat to all delegations in the quantity and in the language in which the statements are made available to it at the site of the International Meeting. Any such statement submitted on behalf of a non-governmental organization must be related to the work of the International Meeting and be on a subject in which the organization has a special competence. Written statements shall not be made at United Nations expense and shall not be issued as official documents.

XII. Suspension and amendment of the rules of procedure

Rule 67
Method of suspension

Any of these rules may be suspended by the International Meeting provided that 24 hours notice of the proposal for the suspension has been given, which may be waived if no representative objects. Any such suspension shall be limited to a specific and stated purpose and to a period required to achieve that purpose.

Rule 68
Method of amendment

These rules of procedure may be amended by a decision of the International Meeting taken by a two-thirds majority of the representatives present and voting, after the General Committee has reported on the proposed amendment.

---

[3] It is recalled that paragraph 23.3 of Agenda 21 provides that "any policies, definitions or rules affecting access to and participation by non-governmental organizations in the work of the United Nations institutions or agencies associated with the implementation of Agenda 21 must apply equally to all major groups". Agenda 21 defines major groups as comprising women, children and youth, indigenous people, non-governmental organizations, local authorities, workers and their trade unions, business and industry, the scientific and technological community and farmers. Therefore, based on Agenda 21, rule 64 shall apply equally to non-governmental organizations and other major groups.

United Nations A/58/567/Corr.1

General Assembly

Distr.: General
9 December 2003

Original: English

Fifty-eighth session
Item 94 (d)
Environment and sustainable development: further implementation of the Programme of Action for the Sustainable Development of Small Island Developing States

Draft provisional rules of procedure of the International Meeting to Review the Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States

Note by the Secretary-General

Corrigendum

Annex

Rule 61

The rule *should read*

Rule 61
Associate members of regional commissions

Representatives designated by the associate members of regional commissions listed in the footnote[2] may participate as observers, without the right to vote, in the deliberations of the International Meeting, the Main Committee, and, as appropriate, any other committee or working group on questions within the scope of their activities.

[2] American Samoa, Anguilla, Aruba, British Virgin Islands, Commonwealth of the Northern Mariana Islands, French Polynesia, Guam, Montserrat, Netherlands Antilles, New Caledonia, Puerto Rico, United States Virgin Islands.

Footnote 2 to rule 62 and footnote 3 to rule 65

The footnotes should be renumbered 3 and 4, respectively.

03-64789 (E) 091203

Footnote 4 (formerly footnote 3) to rule 65, final sentence

The sentence *should read*

Therefore, based on Agenda 21, rule 65 shall apply equall governmental organizations and other major groups.

Rule 66, first sentence

For rules 60 and 61 *read* rules 60 to 65.

United Nations A/58/567/Corr.1*

General Assembly

Distr.: General
15 December 2003

Original: English

Fifty-eighth session
Item 94 (d)
Environment and sustainable development: further implementation of the Programme of Action for the Sustainable Development of Small Island Developing States

Draft provisional rules of procedure of the International Meeting to Review the Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States

Note by the Secretary-General

Corrigendum

Annex

Rule 1
Composition of delegations

The rule *should read*

Rule 1
Composition of delegations

The delegation of each State participating in the International Meeting and of the European Commission shall consist of a head of delegation and such other representatives, alternative representatives and advisers as may be required.

Rule 61

The rule *should read*

Rule 61
Associate members of regional commissions[2]

Representatives designated by the associate members of regional commissions listed in the footnote[2] may participate as observers, without the right to vote, in

* Reissued for technical reasons.

03-64789* (E) 151203

the deliberations of the International Meeting, the Main Committee, and, as appropriate, any other committee or working group on questions within the scope of their activities.

---

[*] American Samoa, Anguilla, Aruba, British Virgin Islands, Commonwealth of the Northern Mariana Islands, French Polynesia, Guam, Montserrat, Netherlands Antilles, New Caledonia, Puerto Rico, United States Virgin Islands.

Rule 65
Representatives of non-governmental organizations
Paragraph 1

The paragraph *should read*:

1. Non-governmental organizations accredited to participate in the International Meeting may designate representatives to sit as observers at public sessions of the International Meeting and its Main Committee.

Footnote 2 to rule 62 and footnote 3 to rule 65

The footnotes should be renumbered 3 and 4, respectively.

Footnote 4 (formerly footnote 3) to rule 65, final sentence

The sentence *should read*:

Therefore, based on Agenda 21, rule 65 shall apply equally to non-governmental organizations and other major groups.

Rule 66, first sentence

For rules 60 and 61 *read* rules 60 to 65.

A/58/568

Readex
Fiche

United Nations A/58/568

General Assembly

Distr.: General
12 November 2003

Original: English

Fifty-eighth session
Agenda item 49
Information and communication technologies for development

Information and communication technologies for development: progress in the implementation of General Assembly resolution 57/295

Report of the Secretary-General*

Summary

The present progress report is submitted to the General Assembly pursuant to paragraph 4 of General Assembly resolution 57/295. In that resolution, the Assembly requested the Secretary-General, as Chairman of the United Nations System Chief Executives Board for Coordination, to work closely with organizations of the United Nations system and with the Information and Communication Technologies Task Force to develop a comprehensive information and communication technologies strategy for the United Nations system and to submit a progress report to the Assembly at its fifty-eighth session.

Section II of the report reviews the status of collaboration on information and communication technologies in the United Nations system, including the ongoing consultative/coordination processes, the work of the Task Force and the launch of joint work of the United Nations system and the Task Force. Sections III and IV describe future actions and next steps to be taken towards the implementation of the resolution.

* The submission of the report was delayed owing to the need for consultations with member organizations of the United Nations System Chief Executives Board for Coordination.

03-61147 (E) 201103

I. Introduction

1. In its resolution 57/295 of 20 December 2002 on information and communication technologies for development, the General Assembly requested the Secretary-General, as Chairman of the United Nations System Chief Executives Board for Coordination (CEB), to work closely with organizations of the United Nations system and with the Information and Communication Technologies Task Force to develop a comprehensive information and communication technologies strategy for the United Nations system.

2. The General Assembly affirmed the need to use information and communication technologies as a strategic tool to enhance the efficiency, effectiveness and impact of the development programmes and technical cooperation activities of the United Nations system. It also emphasized the need for coordination and synergy between programmes and activities of the United Nations system and the crucial role that information and communication technologies can play in facilitating such coordination.

3. The implementation of the resolution is under active consideration within the framework of CEB and the outcome will be reported to the General Assembly at its fifty-ninth session. Meanwhile, the present note outlines the present state of collaboration within the system and the initial steps under way pursuant to paragraph 4 of resolution 57/295.

II. Status of collaboration on information and communication technologies in the United Nations system

A. Ongoing consultative coordination processes in the United Nations system

4. As more advanced information and communication technologies become available, organizations of the United Nations system are making considerable investments into the development and launching of their information systems. The scope and range of these efforts raises many important questions. Chief among them is how to ensure that different components of organizations and of the system as a whole — now working with a plurality of different information systems — effectively communicate, share information and work together, and the extent to which the investments made, or being contemplated, can benefit from the collective experience of the system leading to greater harmonization, efficiency and cost-effectiveness.

5. Inter-agency cooperation in the area of information and communication technologies was initially focused on the exchange of technical information among information and communication technologies managers rather than on the use of such information to advance overall goals of the organization itself or those of the United Nations system as a whole. Information and communication technologies were regarded principally as support services and the incentives or value added to be achieved from coordination were not obvious or apparent.

6. More recently, a number of elements have emerged that have motivated not only greater exchanges of information and stronger collaboration on information and

communication technologies among information technologies managers, but also heightened awareness among senior managers of the potential offered by information and communication technologies and, thus, of the benefits to be derived from more strategic approaches to inter-agency cooperation and coordination. Technology is opening new possibilities for greater, cheaper and easier connectivity and interactivity in relation to the ever-growing number of issues that affect the system as a whole. Member States themselves are becoming increasingly aware of the potential of information and communication technologies and are asking the United Nations system to make better use of its investments in this area. Greater cooperation is no longer seen as an option but is now regarded as essential.

7. Added impetus to enhance coordination has resulted from a reform of the then Administrative Committee on Coordination, now the United Nations System Chief Executives Board for Coordination, that was launched in 1999. One of the outcomes of that process was to raise the level of consideration of information and communication technologies-related issues to senior management. It was recognized that although considerable work had already been accomplished to deploy information and communication technologies for different aspects of the work of the system and individual gains were being achieved, information-sharing remained minimal and coordination was somewhat narrowly focused, involving only a small number of practitioners, mostly in administrative and management areas. It was apparent that for information and communication technologies to be truly mainstreamed in the work of the organizations and of the system, this would have to change.

8. There is now widespread recognition within the system, at the level of senior programme managers, of the potential of judicious and strategic use of information and communication technologies not only as a tool for enhancing management and administration but as a vehicle for improving programme delivery and enhancing the impact of the system's work. Thus, whereas inter-agency consideration of information and communication technologies issues previously took place mostly at the technical level, these are now on the agendas of both the High Level Committee on Management and also that of the High Level Committee on Programmes, the two main subsidiary bodies of CEB.

9. The High Level Committee on Management has had information and communication technologies on its agenda since its establishment in 1999 and has urged information and communication technologies managers to focus on specific areas where synergies can bring greater efficiencies, such as information exchanges, building partnerships and preventing duplication. Specific initiatives pursued by the High Level Committee on Management include: (a) a compendium of good information and communication technologies practices across the United Nations system; (b) the United Nations system Extranet; (c) an inter-agency search engine; (d) an information and communication technologies network communication tool; and (e) an inventory of framework agreements for procurement.

10. The United Nations system Extranet provides a platform for enhanced information-sharing among staff of United Nations system organizations. It allows exchanges of information between organizations of information previously only available on Intranets and thus restricted. So far, 55 United Nations entities and most CEB member organizations have been connected to this dynamic information

base. Work is continuing on the expansion, and continued management, of the content of the Extranet.

11. Extensive work has been undertaken to establish an inter-agency search engine across the public web sites of all United Nations system organizations — and is expected to be in place shortly. The search engine, which will be based on the Google service, will provide a valuable tool for retrieving information from all web sites throughout the United Nations system, including working towards consistent processes that will help enable system-wide content management techniques.

12. The compendium of good information and communication technologies practice across the United Nations system, currently being developed, is intended to become a knowledge-sharing tool providing senior management with concise up-to-date analyses of practices and lessons learned across organizations. In addition, an inventory of application software is being undertaken and is intended to promote knowledge of what exists in the system, exchanges of information and reduce instances of duplication of efforts.

13. Considerable work has also been put into identifying and testing a collaborative communication tool to be used first to facilitate information-sharing for information and communication technologies practitioners but thereafter by all inter-agency communities of practice. The CEB secretariat is currently implementing the information and communication technologies network communication tool.

14. The High Level Committee on Management is also working with the relevant procurement groups to support the expansion of appropriate joint purchasing through framework agreements and volume discounts for information and communication technologies hardware, software and services.

15. While more needs to be done, these initiatives reflect progress towards the requests contained in paragraph 3 of General Assembly resolution 57/295, that work be undertaken in: (a) applications for capacity to create, share and disseminate knowledge; (b) integration into development and technical cooperation activities of organizations of the system; (c) collaborative networks and communities of practice; (d) common platforms — databases, documentation and meetings; (e) exchanging experiences and information-sharing; and (f) training programmes.

B. Work of the Information and Communication Technologies Task Force

16. The plan of action of the Information and Communication Technologies Task Force includes working with CEB to help integrate the Board's strategic commitments related to information and communication technologies with those of the Task Force in order to maximize synergies. The objective of this work is to further integrate information and communication technologies in development assistance portfolios and programmes and to enhance the coordination of multilateral initiatives. Even before the Task Force was established, the high-level panel of experts on information and communication technologies, convened by the Secretary-General in April 2000, recommended "development, on an urgent basis, of a comprehensive programme for transforming the United Nations into a knowledge organization. Such a programme should contain a coherent set of training and

organizational measures aimed at bringing the Organization's collective mindset into the digital age" (A/55/75-E/2000/55, para. 24 (e)).

17. Since its launch in November 2001, the Task Force has served as a platform for promoting partnerships of public, private, non-profit, civil society and multilateral stakeholders by helping develop new models of leadership and collaboration to advance significantly the global effort to bridge the digital divide and foster digital opportunity.

C. Launch of the joint work of the United Nations system and the Information and Communication Technologies Task Force

18. To launch the process of implementation of General Assembly resolution 57/295, the CEB and Task Force secretariats organized a brainstorming session in July 2003 to discuss United Nations system strategies on information and communication technologies for development. The meeting was attended by information technology managers, programme and management officials from the organizations of the United Nations system, members of the Task Force and a number of experts. The meeting was chaired by Brendan Tuohy (Ireland), Convenor of the Working Group on Human Capacity Development of the Task Force.

19. The meeting resulted in a constructive dialogue among partners with a shared sense of purpose. Information technology managers and Task Force members agreed that given the different and diverse requirements of the organizations of the system, it might not be possible or feasible for the United Nations system to have a single e-policy. It is nevertheless both feasible and necessary to continue to enhance coordination and information-sharing and to work towards the elaboration of an overall system-wide information and communication technologies strategy geared to advancing system-wide coherence and effectiveness and providing a common sense of direction for the system as a whole.

20. Participants recognized and stressed the need to distinguish and yet build complementarities between the two interrelated streams of activities in the United Nations system: (a) the use of information and communication technologies for strengthening the work of the system, particularly in development; and (b) the use of information and communication technologies as a strategic management tool. It was agreed that the development of an overall vision and the identification of key goals related to information and communication technologies for development needs to be solidly anchored in the real-life information and communication technologies capacities and constraints of the entities of the system.

III. Future actions

21. Discussions at the brainstorming session, as well as at meetings of the High Level Committee on Management, show that to move towards enhanced coordination in the information and communication technologies area, work needs to be undertaken in parallel at a number of levels, that of information and communication technologies managers, senior management and member States, and a number of basic roadblocks and impediments have to be overcome. This would require more coherent approaches towards, in particular, budget, procurement and

financial procedures which tend to breed isolationist approaches to funding information technology programmes.

22. It is recognized that the role of information and communication technologies should be addressed at a strategic level within each organization in all programming, development and field work and that information and communication technologies issues should become an integral part of the decision-making processes rather than an afterthought. Concomitantly, attention needs to be given to incorporating realistic information and communication technologies components into all business plans and project development processes at the outset.

23. There is also a need to continue to work for a greater understanding — particularly of senior staff — of the potential and limitations of information and communication technologies in solving specific problems. To promote a better understanding of information and communication technologies there is a need to develop, in collaboration with the United Nations System Staff College, some core managerial training programmes in information and communication technologies for senior managers for the United Nations system.

24. Continued involvement and support from senior management is needed for promoting system-wide coordination of information and communication technologies. There is a need to make clear that cooperation is a priority. Coordination, harmonization and change management need to be supported by adequate resources.

25. Information and communication technologies managers also need to continue work in a number of crucial areas that can support the above processes, such as developing and using minimum standards to ensure compatibility and connectivity; inventorying of the United Nations system's software assets so as to enable exchanges and synergies; and leveraging the buying power of the United Nations system for better terms in procurement.

IV. Next steps/conclusions

26. As outlined above, moving forward towards enhanced system-wide coordination in the information and communication technologies area, is undoubtedly a multifaceted undertaking which involves a large number of players. There is thus a need to collaborate on the elaboration of an action plan which outlines the building blocks for a system-wide framework of information and communication technologies and includes milestones, benchmarks, resources required and most importantly responsibilities and accountabilities for results.

27. On the basis of consultation among CEB members and with inputs from the Information and Communication Technologies Task Force, a proposal for such a broad system-wide strategy and an accompanying action plan will be elaborated and submitted to the Secretary-General during 2004.

28. In this context, the Task Force will continue to work with the CEB secretariat and organizations of the system in a number of areas to promote the above-mentioned approach. The Task Force will, inter alia, continue to stress the urgency of the task and keep the issue on the United Nations system leadership agenda as well as that of Member States, promote the elaboration of the action plan and catalyse partnerships with outside actors, including the private sector.

United Nations A/58/569

General Assembly

Distr.: General
12 November 2003

Original: English

Fifty-eighth session
Agenda item 121
Proposed programme budget for the biennium 2004-2005

Administration and management of the Office of the United Nations High Commissioner for Human Rights

Report of the Secretary-General*

Summary

The General Assembly, in its resolution 57/313, requested the Secretary-General to report to it at its fifty-eighth session on measures pertaining to the administration and management of the Office of the United Nations High Commissioner for Human Rights (OHCHR), taking into account the report of the Office of Internal Oversight Services on the management review of OHCHR, as appropriate, and the report of the High Commissioner requested by the Secretary-General.

In its first report on the proposed programme budget for the biennium 2004-2005, the Advisory Committee on Administrative and Budgetary Questions recommended that the report of the Secretary-General submitted in response to General Assembly resolution 57/313 contain a comprehensive analysis of the administrative and resource requirements necessary to implement the proposals contained therein. The Advisory Committee recommended that the report pay particular attention to the overall management of the Office of the High Commissioner and include an analysis of the role of the New York Office and the related staffing requirements.

The present report responds to those requests of the General Assembly and the Advisory Committee. It also represents a response to General Assembly resolution 57/300, in which the Secretary-General was encouraged to improve the effectiveness and management of the Office of the High Commissioner. As such, it builds on the commitment to strengthen management contained in action 5 of the proposals for

* The delayed submission of the present report was due to the extensive consultations required to finalize the document.

03-61123 (E) 191103

strengthening the United Nations. The management structure of the Office of the High Commissioner will be made more robust by clarifying the respective responsibilities of the High Commissioner and the Deputy High Commissioner. In particular, the Deputy High Commissioner, in addition to generally backstopping the High Commissioner, will assume specific responsibilities for the direction of the policy planning, information management and other support units of the Office. It is recommended that the General Assembly proceed to take action on section 24, Human rights, of the proposed programme budget for 2004-2005.

Contents

		Paragraphs	Page
I.	Introduction	1–4	3
II.	Implementation of the reform measures considered in General Assembly resolution 57/300	5–9	3
III.	Administration and management of the Office of the United Nations High Commissioner for Human Rights	10	4
IV.	Organizational structure of the Office of the United Nations High Commissioner for Human Rights	11–12	7
V.	Role of the New York Office and related staffing requirements	13–14	7
VI.	Implementation of the recommendations contained in the management review of the Office of the United Nations High Commissioner for Human Rights carried out by the Office of Internal Oversight Services	15–16	8
VII.	Administrative and resource requirements	17	9
VIII.	Recommendation	18	9
Annexes			
I.	Summary of resources proposed for 2004-2005 relating to actions 2 to 5 described in the report of the Secretary-General entitled "Strengthening of the United Nations: an agenda for further change" (A/57/387 and Corr.1)		10
II.	Implementation of the recommendations contained in the management review of the Office of the United Nations High Commissioner for Human Rights carried out by the Office of Internal Oversight Services (A/57/488)		12
III.	Organizational structure and post distribution for the biennium 2004-2005		25

I. Introduction

1. The General Assembly, in paragraph 2 of its resolution 57/313 of 18 June 2003, requested the Secretary-General to submit a report to it at its fifty-eighth session on measures pertaining to the administration and management of the Office of the United Nations High Commissioner for Human Rights (OHCHR), taking into account the report of the Office of Internal Oversight Services on the management review of OHCHR (see A/57/488), as appropriate, and the report of the High Commissioner requested by the Secretary-General in action 5 of his report entitled "Strengthening of the United Nations: an agenda for further change" (A/57/387 and Corr.1).

2. In paragraph 3 of the same resolution, the Assembly decided to revert at its fifty-eighth session to the issue of the administration and management of OHCHR, in the context of the proposed programme budget for 2004-2005, as well as to the issues relevant to the functioning of the Office addressed in resolution 57/300 of 20 December 2002, in particular paragraphs 6, 8, 9 and 10, in the context of the procedures established for consideration of the progress report of the Secretary-General on the implementation of the reform measures considered in the latter resolution. Information on the implementation of the provisions of those paragraphs is contained in section III of the report of the Secretary-General (A/58/351) on the status of implementation of actions described in A/57/387 and Corr.1.

3. In paragraph VI.1 of its first report on the proposed programme budget for the biennium 2004-2005,[1] the Advisory Committee on Administrative and Budgetary Questions recommended that the report of the Secretary-General submitted in response to General Assembly resolution 57/313 contain a comprehensive analysis of the administrative and resource requirements necessary to implement the proposals contained therein. The Advisory Committee recommended that the report pay particular attention to the overall management of the Office of the High Commissioner, and include an analysis of the role of the New York Office and the related staffing requirements. It was further recommended that action on proposals for posts under section 24, Human rights, be deferred, pending consideration of the report.

4. The present report responds to the above-mentioned requests and provides information on the implementation of the recommendations contained in the report of the Office of Internal Oversight Services on the management review of OHCHR.

II. Implementation of the reform measures considered in General Assembly resolution 57/300

5. Pursuant to paragraphs 6, 8 and 9 of General Assembly resolution 57/300, OHCHR has implemented a number of measures in relation to actions 2, 3 and 4 set out in A/58/387 and Corr.1, as outlined below:

Increased support for national human rights capacity-building (action 2)

6. Concerted efforts are under way to provide an integrated and consistent response to Member States that request support in strengthening their national human rights protection systems. The plan is aimed at encouraging the ratification

of human rights treaties, helping integrate human rights into national development plans, assisting in the reform of national legislation and institutions and promoting better awareness of human rights. In this light, proposals have been included in the relevant subprogramme of section 24, Human rights, of the proposed programme budget for the biennium 2004-2005 to strengthen human rights actions at the national level.

Enhanced implementation of human rights treaties (action 3)

7. Consultations among Member States, treaty bodies and non-governmental organizations have taken place during recent years to develop closer cooperation and enhance the implementation of the principal human rights treaties. There is strong support for greater cooperation among treaty bodies and for the better harmonization of their reporting guidelines. All treaty bodies have been urged to adopt specific follow-up procedures and to take measures that would encourage the timely submission of reports and address the backlog issue. The proposed programme budget for the biennium 2004-2005 includes proposals for a P-5 post as head of the Petitions Unit, which undertakes the review of petitions received under the terms of various treaties, and a P-4 post to provide support to treaty bodies in respect of State reporting and processing of communications under complaints procedures.

Improving the system of special procedures (action 4)

8. Steps have been taken in recent years to better support the special procedures and make them more effective. Details were presented to the Commission on Human Rights at its fifty-ninth session (see E/CN.4/2003/124). These steps include strengthening the support provided by OHCHR through additional human resources. The Special Procedures Branch was established in OHCHR as from 1 May 2003. In this connection, in the proposed programme budget for the biennium 2004-2005 recommendations are made for a D-1 post to head the Branch and a P-4 post to augment capacity in handling special procedures.

9. The status of the implementation of the above-stated actions is detailed in section III of A/58/351. Annex I below provides a summary of the resource requirements reflected in the proposed programme budget for the biennium 2004-2005 related to those actions.

III. Administration and management of the Office of the United Nations High Commissioner for Human Rights

10. The administration and management of OHCHR is effected through the leadership of the High Commissioner, a Management Board, a Project Review Committee, an annual appeal for voluntary contributions, an annual report on the implementation of activities and use of funds, an Advisory Panel on Personnel Issues, efforts to promote an integrated personnel system, the support of the United Nations Office for Project Services (UNOPS) in the field, management audits by the Office of Internal Oversight Services and audits by external auditors. Each of these is summarized below:

(a) *Leadership of the High Commissioner.* The High Commissioner is responsible, under the authority of the Secretary-General, for all the activities of the

Office and for its administration, and carries out the functions specifically assigned to him or her by the General Assembly in its resolution 48/141 of 20 December 1993 and subsequent resolutions of policy-making bodies;

(b) *The Management Board*. The Management Board was established in 1997. It is the mechanism through which OHCHR, at the senior level, under the leadership of the Deputy High Commissioner, provides a cross-sectoral managerial review of human and financial resources, and considers general management issues and operational issues that require an overall management decision. It advises the High Commissioner, and its decisions are subject to the High Commissioner's approval;

(c) *The Project Review Committee*. The Project Review Committee was established in December 1998 and is the mechanism through which OHCHR, at the senior level, considers new projects and their revisions with the aim of assessing and providing guidance on: the relationship of the project to the mandates and priorities of OHCHR; the likely impact on issues the project is intended to address; the suitability and effectiveness of project management, including institutional and implementation arrangements; and the soundness of financial requirements, according to OHCHR priorities and actual resources;

(d) *The annual appeal and the annual report*. Two thirds of the OHCHR budget is derived from voluntary contributions. The publication of the annual appeal and the annual report has helped generate greater cohesion, common purpose and more transparency in OHCHR extrabudgetary activities. Both documents also present descriptions of the regular-budget funding of OHCHR, so that donors and the general public obtain a clear picture of the overall and integrated activities of the organization:

(i) The annual appeal describes OHCHR priorities for the coming year, with a special focus on priorities for extrabudgetary funding. It provides an overview of planned activities and financial requirements for the upcoming year. It seeks support from the international community for the mission of promoting and protecting human rights. It builds on the experience of implementing strategies for action as set out in previous appeals, while seeking to sharpen and strengthen those strategies;

(ii) The annual report outlines the implementation of activities and the use of voluntary funds in a particular year. It provides a transparent and consolidated review of the achievements and impact of the Office's work, highlighting the commitment to establish a structured approach to reporting and improved financial and programme management at all levels. It is a tool used by programme managers for oversight and control of projects and activities, in both operational and financial terms;

(e) *The Advisory Panel on Personnel Issues*. OHCHR established its Advisory Panel on Personnel Issues in March 1999. This internal management body evaluates all recommendations for the filling of extrabudgetary posts at OHCHR headquarters and in the field, for upgrading temporary staff and for lateral transfers, with a view to ensuring the highest standards of efficiency, competence and integrity, as well as equitable geographical distribution;

(f) OHCHR has finalized an agreement with the United Nations Office at Geneva to establish arrangements within which the latter provides various

administrative support services to OHCHR, in particular in human resources management;

(g) *Efforts for an integrated personnel system*. OHCHR has staff in Geneva and in the field funded from both the regular budget and extrabudgetary resources. Extensive staff-management consultations took place this year on the introduction of arrangements to integrate all voluntarily funded staff in Geneva under the 100 series of the staff rules. This policy of bringing staff under an integrated system will also be pursued in relation to long-serving staff in the field, it being understood that there will always be some staff in the field on project contracts. Effective 1 January 2003, all extrabudgetary Geneva-based staff formerly managed by UNOPS are now administered by the Human Resources Management Service of the United Nations Office at Geneva. This change was made in compliance with Office of Internal Oversight Services recommendations;

(h) *Geographical distribution of staff of OHCHR*. Mindful of the recommendations of policy-making organs such as the General Assembly and the Commission on Human Rights, the Office of the High Commissioner, in filling vacant posts, is paying particular attention to geographical distribution. All managers take this element into account when reviewing candidates and making recommendations for recruitment. All regular-budget posts of OHCHR are subject to geographical distribution, and OHCHR abides by the resolutions of the General Assembly, particularly with regard to posts at the P-2 level and, where applicable, at the P-3 level, by recruiting staff from the national competitive examination. In addition, OHCHR, in its human resources action plan for 2003, has agreed to recruit one staff member from unrepresented or underrepresented countries and to avoid the recruitment of staff from overrepresented countries. OHCHR has instituted measures to apply the Organization's principles of geographical distribution with particular regard to unrepresented or underrepresented developing countries when filling extrabudgetary posts. These measures involve the screening of candidates at the initial recruitment stage, including of short-term staff, to ensure that, all other things being equal, priority is given to candidates from such countries;

(i) *The support of the United Nations Office for Project Services*. OHCHR uses the services of its implementing partner, UNOPS, which provides administrative support for OHCHR field operations funded from extrabudgetary resources. These operations had an annual expenditure of approximately $10 million in 2002. On the basis of three years' experience of working together, the arrangements between OHCHR and UNOPS were revised to ensure improved financial monitoring, control and reporting, human resources management and coordination between the two parties. The revised arrangements with UNOPS were agreed on 20 May 2003;

(j) *Management and financial audits by the Office of Internal Oversight Services*. Since 1997, the Office of the High Commissioner has been the subject of a number of reviews and audits, many at its own initiative, as it has sought to strengthen its administrative procedures and managerial practices. In 1998/1999, the Office of Internal Oversight Services audited the former field operations of OHCHR in Rwanda. Since then, the Office of Internal Oversight Services has carried out, at the request of OHCHR, audits of field operations in Burundi, Colombia, the Democratic Republic of the Congo and the Federal Republic of Yugoslavia, as well as an audit of OHCHR headquarters administration. In addition to the 2002

management review by the Office of Internal Oversight Services requested by the General Assembly, the Department of Management, at the request of OHCHR, carried out a review of the administrative capacity of OHCHR in 1999. A study of the OHCHR system for managing voluntary contributions was also carried out by Price Waterhouse in 1999, at the request of OHCHR, resulting in the implementation of a system to monitor and manage voluntary contributions. At its fifty-eighth session, the Commission on Human Rights requested the Joint Inspection Unit to carry out a review of OHCHR management and administration, with particular regard to recruitment policies and the composition of staff. The Joint Inspection Unit is due to report to the Commission on Human Rights at its next session, in March/April 2004;

(k) *Financial audits by external auditors*. The external auditors review OHCHR operations, including most recently in May 2003, when an audit on the administrative and financial framework of OHCHR trust funds and the management of grants was carried out. In 1999 the external auditors reviewed the internal financial controls of OHCHR and visited its Cambodia office. Reporting procedures are in place for audits carried out both by the Office of Internal Oversight Services and by the external auditors, by which OHCHR reports on the implementation of their recommendations.

IV. Organizational structure of the Office of the United Nations High Commissioner for Human Rights

11. The Secretary-General's bulletin of 15 September 1997 (ST/SGB/1997/10) established the following structure for the Office of the United Nations High Commissioner for Human Rights: the Staff Office of the High Commissioner, the Administrative Section, the New York Office, the Research and Right to Development Branch, the Support Services Branch and the Activities and Programmes Branch.

12. On the basis of the recommendations of the Office of Internal Oversight Services, the Secretary-General's bulletin is being revised to reflect the following structure, as indicated in annex III: the Executive Office of the High Commissioner, Support Services, the New York Office, the Treaties and Commission Branch, the Special Procedures Branch, the Capacity Building and Field Operations Branch, the Research and Right to Development Branch and the External Relations Branch. It will be noted that the reorganization reflects the clarification of the respective roles of the High Commissioner and the Deputy High Commissioner. In particular, the Deputy High Commissioner will assume specific responsibilities for policy planning, information management and other support units of the office.

V. Role of the New York Office and related staffing requirements

13. The New York Office forms part of the Staff Office of the High Commissioner. Its role is to represent the High Commissioner at Headquarters, at meetings of policy-making bodies and with permanent missions of Member States, in executive committees and their subsidiary bodies, at interdepartmental and inter-agency

meetings and with civil society. The New York Office represents the High Commissioner in, and provides substantive support on human rights issues to, the General Assembly, the Security Council and the Economic and Social Council and other policy-making bodies established in New York; provides policy advice and recommendations on substantive matters to the High Commissioner; provides support to the High Commissioner and other officials and to special rapporteurs and representatives when on mission in New York; assists the executive committees and other headquarters-based bodies in the integration of human rights in United Nations development, peace and security, humanitarian and economic and social activities; maintains liaison with, and supplies information and advice on human rights on behalf of the High Commissioner to, the Executive Office of the Secretary-General, Secretariat entities, United Nations agencies and delegations; and maintains liaison with the headquarters of key international institutions and major non-governmental human rights organizations in New York. It organizes meetings of States parties to human rights treaties and undertakes outreach activities, events and briefings for a wide range of audiences on human rights and related issues.

14. In order to fulfil those functions, the following staff are required: a Director at the D-2 level, to represent the High Commissioner in New York, direct the New York Office and its staff, processes and resources; a Deputy to the Director to undertake managerial, administrative, representative and substantive functions; three human rights officers to perform liaison, reporting and human rights mainstreaming functions relating to specific geographic and thematic questions; and four General Service staff to provide administrative, secretarial, documentary and communications functions. In 2002-2003, there are nine staff members in the New York Office funded by the regular budget, as follows: one D-2, one P-5, two P-4, one P-3, one General Service (Principal level) and three General Service (Other level). In 2004-2005, it is proposed to maintain the current level of staffing.

VI. Implementation of the recommendations contained in the management review of the Office of the United Nations High Commissioner for Human Rights carried out by the Office of Internal Oversight Services

15. Upon receipt from the Office of Internal Oversight Services of the report on the management review of the Office (A/57/488), OHCHR acted immediately to begin implementation of the recommendations therein. OHCHR was pleased that as at mid-2003, the Office of Internal Oversight Services considered 3 of the 17 recommendations implemented and closed, and others were in the process of implementation.

16. Annex II below provides a detailed update on the measures taken by OHCHR on each of the recommendations contained in the report of the Office of Internal Oversight Services and relates these to the relevant resource requirements already reflected in the proposed programme budget for the biennium 2004-2005.

VII. Administrative and resource requirements

17. In formulating the proposed programme budget for 2004-2005 for section 24, Human rights, full consideration has been given to the recommendations of the Office of Internal Oversight Services contained in its report on the management review of OHCHR. In addition to the information on the status of implementation of these recommendations, annex II indicates the related resource requirements, as applicable.

VIII. Recommendation

18. **It is recommended that the General Assembly take note of the present report and proceed to take action on section 24, Human rights, of the proposed programme budget for the biennium 2004-2005.**

Notes

[1] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 7* (A/58/7).

Annex I

Summary of resources proposed for 2004-2005 relating to actions 2 to 5 described in the report of the Secretary-General entitled "Strengthening of the United Nations: an agenda for further change" (A/57/387 and Corr.1)

Action	*OHCHR Action*	*Related proposed programme budget for 2004-2005*	
		Reference (A/58/6/Sect.24)	*Thousands of United States dollars*
2	The United Nations High Commissioner for Human Rights will develop and implement a plan, in cooperation with the United Nations Development Group and the Executive Committee for Humanitarian Affairs, to strengthen human rights-related United Nations actions at the country level.	Para. 24.53 1 P-5 to head a geographic desk team to strengthen human rights technical assistance at the country level Para. 24.39 1 P-4 Right to Development Para. 24.53 2 P-3 converted from general temporary assistance Consultancies for specialists in the area of national human rights institutions, human rights legislation and the workings of human rights parliamentary committees Increase in travel to facilitate responses to requests by Member States for technical cooperation	
3	The United Nations High Commissioner for Human Rights will consult with treaty bodies on new streamlined reporting procedures and submit his recommendations to me by September 2003.	Para. 24.44 1 P-5 Head of Petitions Unit 1 P-4 to support treaty bodies	

Action	*OHCHR Action*	*Related proposed programme budget in 2004-2005*	
		Reference A/58/6/(Sect.24)	*Thousands of United States dollars*
4	The United Nations High Commissioner for Human Rights will undertake a review of the special procedures and report back to me by September 2003 with recommendations on how to enhance their effectiveness and improve the support provided.	Para 24.53	
		1 D-1 Chief of Special procedures branch	169.9
		1 P-4 to strengthen special procedures	134.4
		Increase in travel to facilitate the activities of special procedures	133.1
5	The United Nations High Commissioner for Human Rights will develop a plan to strengthen management, taking into account the recommendations emerging from the management review conducted by the Office of Internal Oversight Services.	Para 24.32	
		1 D-2 for the Executive Office	178.6
		1 P-3 External Relations	159.7
		Para 24.61	
		Data processing equipment	189.7
		Data processing services	547.2

Annex II

Implementation of the recommendations contained in the management review of the Office of the United Nations High Commissioner for Human Rights carried out by the Office of Internal Oversight Services (A/57/488)

OIOS Recommendations	*Status of implementation*	*Related proposed programme budget in 2004-2005*	
		Reference (A/58/6(Sect.24))	*Thousands of United States dollars*
Recommendation 1 The Secretary-General should fully apprise the General Assembly of how the persistent shortfall in the regular budget funding impacts on the mandated activities of the Office (SP-02-001-01).	OIOS considers this recommendation implemented. The deficiency in resource provision has hampered the conduct of the programme of work of the office. In particular, marked difficulties have been encountered in support of Treaty Bodies and in the conduct of Special Procedures. The Secretary-General has endeavored, in his proposals for three successive biennial budgets, to augment the staffing of OHCHR within the framework of overall financial policy and budgetary constraints. Currently, the number of posts in the Office exceeds the number of posts prior to the Secretariat-wide cuts in posts in 1998-1999. For 2004-2005, the Secretary-General has proposed in Section 24, Human rights, an increase of $3,655,100 (or 7.6%) from a revised appropriation of $47,576,300 to $51,231,400 before recosting, and an increase of 13 regular budget posts, from 166 to 179 (8 new posts and conversion of 5 positions to established posts). The Secretary-General articulated in his proposal the desired enhancements to the OHCHR regular budget in the context of the overall budgetary situation of the Secretariat.	Para. 24.8	50,869.1

OIOS Recommendations	*Status of implementation*	*Related proposed programme budget in 2004-2005*	
		Reference (A/58/6/Sect.24)	*Thousands of United States dollars*
Recommendation 2 In accordance with rule 153 of the rules of procedure of the General Assembly, comprehensive statements of programme budget implications should be submitted to the Assembly in all instances where new OHCHR mandates and activities are presented for approval (SP-02-001-02).	OIOS considers this recommendation implemented. In accordance with rule 28 of the rules of procedure of the functional commissions of ECOSOC, 8 decisions and 86 resolutions of the Commission on Human Rights adopted at its fifty-ninth session in 2003 were reviewed, of which 47 entailed programme budget implications. In the 1986-1987 programme budget, a new procedure was established and has been followed since, following consultations with the Advisory Committee on Administrative and Budgetary Questions, whereby provisions were made in the proposed programme budget for activities undertaken in response to decisions of the Commission on Human Rights as endorsed by ECOSOC. These activities fell within the concept of "perennial" activities and provisions were therefore proposed for them in the 1988-1989 programme budget in line with resolution 41/213 and were approved by the General Assembly. These activities relate to special rapporteurs and other fact-finding and investigative bodies established periodically pursuant to resolutions and decisions adopted by the Commission on Human Rights and endorsed by the Economic and Social Council. Country rapporteurs are appointed and/or extended on an annual basis. The thematic rapporteurs and working groups are established for three years. The number of such mandates recurs with regularity year after year.		

OIOS Recommendations	*Status of implementation*	*Related proposed programme budget in 2004-2005*	
		Reference (A/58/6/Sect.24)	*Thousands of United States dollars*
Recommendation 3 The High Commissioner should pursue further the consolidation of reporting to different organs on similar or closely related topics, with oral updates on recently issued reports, as necessary, and propose enabling actions for such arrangements to the General Assembly (SP-02-001-03).	OIOS considers this recommendation implemented. OHCHR has implemented a number of such consolidations, which includes the following: a) The note by the Secretary-General transmitting the report of the High Commissioner for Human Rights on human rights education and public information activities in the field of human rights (A/Res/57/212) has been consolidated with the report of the Secretary-General on Human Rights Education (A/Res/57/206); b) Following past years' practice, the report of the United Nations High Commissioner for Human Rights (A/Res/48/141) has been consolidated with the report of the Secretary-General on the comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (A/Res/48/120); c) The General Assembly, by its resolution 57/223 entitled "The right to development", requested the Secretary-General, in paragraph 33, inter alia, to present a comprehensive report on the implementation of that resolution to the Commission at its 59th session and to the General Assembly at its 58th session. In a Note by the Secretariat (E/CN.4/2003/125) submitted during the 59th session of the Commission on Human Rights, the Secretary-General drew the attention of delegations to document E/CN.4/2003/7 before the Commission on Human Rights, containing the annual report prepared by the High Commissioner for Human Rights in response to a request made by the Commission on Human Rights in resolution 1998/72 of 22 April 1998; d) Paragraph 41 of A/Res/57/195 requested the Secretary-General to prepare, through OHCHR, a report		

OIOS Recommendations	Status of implementation	Related proposed programme budget in 2004-2005	
		Reference (A/58/6/Sect.24)	Thousands of United States dollars
	on the extent of implementation of the Programme of Action for the Third Decade, to be submitted to the General Assembly at its 58th session and to the Commission on Human Rights at its 59th session. Consequently, a report on the Third Decade to Combat Racism and Racial Discrimination was submitted to the Commission on Human Rights at its 59th session (E/CN.4/2003/19). A 2-page document (A/58/80-E/2003/71) presented to the 58th session of the General Assembly and to ECOSOC at its substantive session in 2003 refers to the report of the Commission on Human Rights (E/CN.4/2003/19) on the same subject. e) The note by the Secretary-General transmitting the thirty-fifth report of the Special Committee to Investigate Israeli Practices Affecting Human Rights of the Palestinian People and Other Arabs of the Occupied Territories has been consolidated with the Note by the Secretary-General transmitting the periodic report of the Special Committee. The process of reform of the working methods of the Commission was initiated in April 2002. It led to the adoption in March 2003 of document E/CN.4/2003/118, which contains an entire section devoted to documentation matters, with a view to ensuring that relevant UN rules, regulations and practices concerning the processing of documents, including the six-week rule, are strictly respected. In parallel to this process, the Office emphasized the importance of rationalizing the documentation process and avoiding duplication. These issues will continue to be discussed by the Expanded Bureau of the Commission. Pursuant to Commission decision 2003/116, the Bureau is to submit its recommendations on the organization of work of the Commission to the 60th session of the Commission.		

OIOS Recommendations	Status of implementation	Related proposed programme budget for 2004-2005	
		Reference (A/58/6/Sect.24)	Thousands of United States dollars
Recommendation 4 The High Commissioner should consistently pursue consultations with the treaty bodies on the modalities for consolidating reporting under various treaty obligations into a single national report with a view to achieving steady progress towards this goal (SP-02-001-04).	In October 2002, the High Commissioner wrote to the chairperson of each treaty body asking for views on the OIOS recommendation for consolidating reporting under the various treaty obligations into a single national report. Document E/CN.4/2003/126, presented to the 59th session of the Commission reports on a number of steps taken or facilitated by OHCHR to the issue of streamlining the reporting procedures of treaty bodies. These included the preparation by OHCHR of a background paper in February 2003, which formed the basis for discussions in a workshop organized by OHCHR and held from 5 to 7 May 2003. Participants included representatives of treaty bodies, States parties, entities of the UN system, NGOs and other such as the Inter-Parliamentary Union and national human rights institutions. An Inter-Committee meeting, comprised of up to three representatives of each treaty body, was held from 18-20 June 2003 to discuss the outcome of the workshop, and a report emanating from this meeting was submitted to the 15th meeting of human rights chairpersons held from 23 to 27 June 2003. The recommendations of the 15th meeting of chairpersons of human rights treaty bodies, which is before the General Assembly at its 58th session encourage targeted treaty-specific reports and expansion of the "core document." (In 1991, all treaty bodies adopted consolidated guidelines for a "core document" which contains general information on the State, in order to reduce the burden on States that are party to more than one human rights treaty which imposes reporting obligations). Harmonization of the various reporting guidelines issued by the treaty bodies has also been recommended, as has the development of more harmonized working methods by all the treaty bodies.		

OIOS Recommendations	Status of implementation	Related proposed programme budget for 2004-2005	
		Reference A/58/6/Sect 24	Thousands of United States dollars
	The Secretariat is currently preparing draft guidelines for an expanded core document and exploring the possibilities for greater harmonization of the treaty reporting guidelines. These will be made available for comment by individual treaty bodies in early 2004 and consideration by the third inter-Committee meeting and the 16th meeting of chairpersons, both of which will take place in June 2004.		
Recommendation 5 The staffing of the Petitions Team should be brought in line with its workload to ensure the timely processing of communications and relevant jurisprudence (SP-02-001-05).	The Secretary-General has proposed for the 2004-2005 biennium the establishment of a P-5 post as head of the Petitions Unit which undertakes the review of petitions received under the terms of various treaties, and a P-4 post to provide support to treaty bodies in respect of State reporting and processing of communications under complaints procedures. Three additional staff are being brought on board by November 2003 using voluntary funding.	Para 24.44 1 new P-5 1 new P4	 155.5 134.4
Recommendation 6 Management should review, prioritize and systematize all outstanding recommendations. Responsibilities and deadlines for action should be assigned and a mechanism for ensuring their implementation established (SP-02-001-06).	OHCHR has reviewed outstanding recommendations and makes consistent and serious efforts to implement them. OHCHR is working diligently to implement the 17 recommendations in the OIOS management review and other recommendations on the office and regularly updates OIOS on progress achieved.		
Recommendation 7 The High Commissioner should draw up a comprehensive and detailed strategy for the Office, from which the medium- and longer-term tangible objectives of the OHCHR organizational units and operational activities would be derived.	In his annual report to the Commission on Human Rights (E/CN4/2003/14), the High Commissioner has also indicated key parts of his core priorities. The 2004 Annual Appeal has been carefully reviewed to bring planned expenditure in line with expected resources.		

OIOS Recommendations	*Status of implementation*	*Related proposed programme budget in 2004-2005*	
		Reference A/58/6(Sect.24)	*Thousands of United States dollars*
The strategy should be realistic, taking into account the resources available (SP-02-001-07).			
Recommendation 8 The entity responsible for policy planning and methodology should be established as a self-contained unit having OHCHR-wide responsibility and reporting to the Deputy High Commissioner. It should be strengthened with due regard to the required diversity of professional expertise. Realistic work plans for the short, medium and longer term should be adopted, with clear assignment of responsibilities, deadlines and accountability for the delivery of planned outputs (SP-02-001-08).	This recommendation will be implemented. Please see response to Recommendation 13. The resources for policy planning and methodology, which up to the present have been provided within the Research and Right to Development Branch, will be established as a self-contained unit having OHCHR-wide responsibility and reporting to the Deputy High Commissioner. Staffing of the posts in this unit will be reviewed to ensure the required diversity of professional expertise.		
Recommendation 9 (a) There should be an established practice of preparing annual work plans for each organizational unit that would include all outputs, deadlines, staff responsibilities and resources required. Plans should be coordinated to establish substantive horizontal linkages, approved by the High Commissioner and updated as necessary. (b) Staff support to programme management and planning should be strengthened and upgraded to ensure that the framework for programme management and work planning is fully developed and incorporates extrabudgetary activities and that required guidance, training and support are provided to managers at all levels (SP-02-001-09).	A common work plan form has been prepared and provided to all Branch/Section/Unit leaders to facilitate a coordinated approach to the preparation of annual work plans. Annual work plans for 2003 take into account the outputs, deadlines, staff responsibilities and resources required. OHRM has increased the allocation to OHCHR under the upgrading of substantive skills and Branches are undertaking team-building exercises with a view to strengthening teams and middle management.		

OIOS Recommendations	*Status of implementation*	*Related proposed programme budget for 2004-2005*	
		Reference (A/58/6/Sect.24)	*Thousands of United States dollars*
Recommendation 10 Central staff support to the ongoing monitoring of the implementation of the work programme should be strengthened and made responsible for the preparation of quarterly progress reports for senior management along with short-term projections regarding priorities to be focused on in regard to achieving the set objectives of the Office. This responsibility centre should also monitor the implementation of recommendations of intergovernmental and oversight bodies, follow up on executive decisions and foster the development of self-evaluation activities (SP-02-001-10)	This recommendation is being implemented. All Branches have now constituted teams to focus on programme performance reporting as well as to carry forward results-based budgeting. The Management Committee of the Policy Review and Management Board regularly monitors implementation of oversight recommendations and the Office has begun self-evaluation activities. The Executive Office of the High Commissioner ensures follow-up on executive decisions.		
Recommendation 11 The High Commissioner should align the nomenclature of OHCHR organizational entities with common norms, initiate the reclassification of all managerial posts in line with their actual responsibilities, and subsequently apprise the Commission on Human Rights and the General Assembly of the relevant financial implications (paras. 27-29) (SP-02-001-11)	The nomenclature and structure of the Office are being guided by the OIOS recommendations and gradually brought in line with the nomenclature and structure of the rest of the Secretariat. A full implementation at this time would require the establishment of at least two Divisions in the substantive areas to handle the functions entrusted to the Research and Right to Development Branch, Treaties and Commission Branch, Capacity and Field Operations Branch and the Special Procedures Branch. However, it is intended to monitor the operation of the four branches starting in 2004-2005 to determine whether there would be managerial advantages in proceeding at a later date to consolidate these four branches into two Divisions.		

JIU/REP/2003/6 Recommendation	*Status of implementation*	*Related proposed programme budget for 2004-2005*	
		Reference A/58/6(Sect.24)	*Thousands of United States dollars*
Recommendation 12 The organizational structure of OHCHR should be streamlined into more manageable, compact and substantively coherent entities benefiting from the synergies between the activities they carry out. In deciding on the organizational streamlining, the High Commissioner may wish to take into consideration the proposals outlined in paragraphs 30-36 (SP-02-001-12).	The Registry has been moved in the biennium 2002-2003 from Subprogramme 1, Research and Right to Development, to programme support in the Administration Section. Policy planning, information management and technology and administrative services will be under the direct supervision of the Deputy High Commissioner as described under recommendation 13 below.		
	The post of a chief of staff is proposed to be established. The incumbent would be responsible for, *inter alia*, assisting the High Commissioner in maintaining relations with Governments, other United Nations agencies and entities, international organizations, regional and national institutions, non-governmental organizations, the private sector and academia, maintaining liaison on policy matters with the Executive Office of the Secretary-General and other relevant offices at Headquarters, as well as with the spokespersons of the Secretary-General at New York and Geneva and the media, carrying out fund-raising functions and special projects as assigned by the High Commissioner.	Para 24.32 1 D-2	178.6
	A new External Relations Branch has been created comprising Fundraising, External Relations and Communications, removing these functions from the Executive Office.	1 P-5 post External Relations Branch	159.7

OIOS Recommendation	Status of implementation	Related proposed programme budget for 2004–2005	
		Reference (A/58/6/Sect.24)	Thousands of United States dollars
	The High Commissioner launched a distinct Special Procedures Branch devoted to these procedures and streamlining the current Activities and Programmes Branch.	Para 24.53 1 D-1 Chief of Special procedures branch 1 P-4 to strengthen special procedures	169.9 134.4
	Consistent with action 2 of the reform proposals, capacity to act at the national level would be strengthened within OHCHR infrastructure.	1 P-5 to head a geographic desk team to strengthen human rights at the country level	155.5
	To strengthen the interdisciplinary legal and socio-economic research and policy analysis capability of OHCHR, a P-4 post is proposed.	Para 24.39 1 P-4 in the area of right to development	134.4
Recommendation 13 The High Commissioner should define the responsibilities delegated to the Deputy and maintain the integrity of such delegation and accountability for discharging those responsibilities. Clear procedures and reporting lines should be established in the front office (paras. 40–41; ISP/02/001 13).	The High Commissioner has set out and defined the role of the Deputy High Commissioner as described below.		

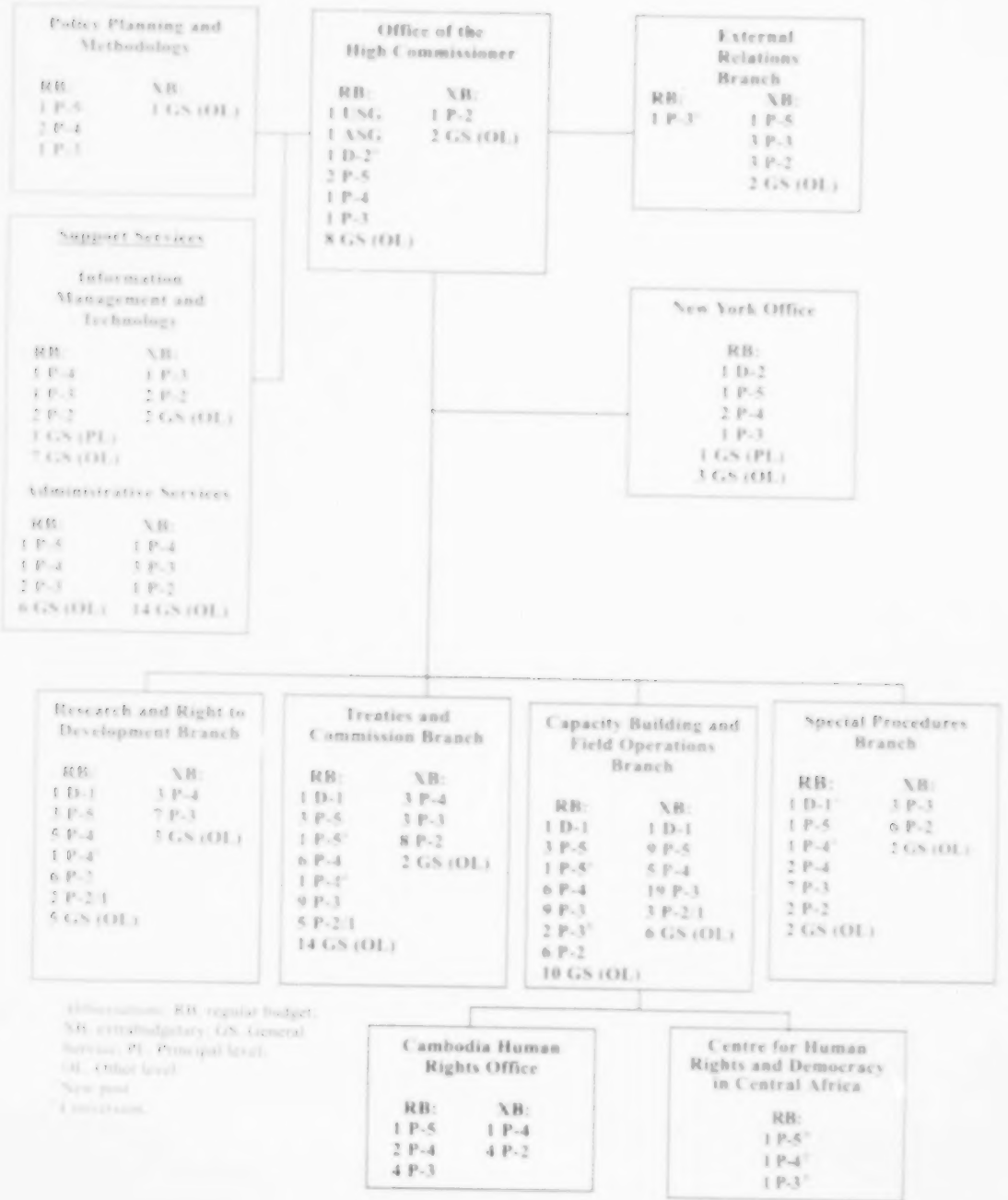
OIOS Recommendations	Status of implementation	Related proposed programme budget in 2004-2005	
		Reference A/58/6/Sect.24)	Thousands of United States dollars
	The Deputy High Commissioner • acts as Officer-in-Charge during the absence of and is accountable to the High Commissioner; assists the High Commissioner in the overall direction and supervision of the activities of the human rights programme; carries out special projects as assigned by the High Commissioner; represents the High Commissioner at meetings and by making statements on his or her behalf; monitors oversight activities; advises the High Commissioner regarding field operations; coordinates the development of regional strategies • is directly responsible for policy planning, information management and technology and administrative services as follows: ***Policy Planning:*** identifies and advises the High Commissioner on complex and sensitive policy issues; assists the High Commissioner in the formulation, communication, implementation and evaluation of policies, practices and activities for the promotion and protection of human rights; oversees all policy matters and operational activities aimed at developing national human rights capacity and institutions; assists the High Commissioner in developing strategies for both urgent actions and long-term framework for human rights mainstreaming strategy and policies.		

OIOS Recommendation	Action to be taken	Revised resource requirements relative to base level	
		Resources (US$ thousands)	Posts (Number and level)
	Information Management and Technology: Manages the information services of the human rights programme (including the documentation centre and library and enquiry services) and information technology operations, including, inter alia, the human rights databases. ***Administrative Services:*** Oversees the provision of administrative support services.		
Recommendation 14 All information management and communication services reporting directly to the Deputy High Commissioner should be established. It should comprise the library, web site, database and information technology operations throughout OHCHR. It should be mandated to establish and oversee the relevant policies and procedures and to vet all information technology projects proposed by other entities. A biennial plan for information management and technology development should be prepared and implemented (paras. 42-47) (AP-02-001-14)	The Deputy High Commissioner will oversee information management and technology operations throughout OHCHR. Please see Recommendation 13 above.	Paras.24.29 and 24.61	
		Library books and supplies	81.8
		Para.24.61	
		Data processing equipment	189.7
		Data processing services	347.2

JIU/REP/2003/5 recommendations	Status of implementation	Revised proposed programme budget for 2004-2005	
		Reference (A/58/6/Sect.24)	*Thousands of United States dollars*
Recommendation 15 Systematic action should be taken to reclassify all posts in the new organizational structure according to their levels and types of service and to decide whether they belong to the 100 or the 200 series. Evaluation criteria should be put in place to define qualifications, expertise and performance for the purpose of considering serving staff against the new staffing table. OHCHR should seek assistance from the Office of Human Resources Management of the United Nations Secretariat in carrying out this regularization exercise (SP-02-001-15)	Implementation will be undertaken in the biennium 2004-2005. Job descriptions of the relevant posts are to be prepared with the assistance of OHRM.		
Recommendation 16 The High Commissioner should devote more attention to human resources management issues, including the geographical distribution of the staff, PAS discipline and effectiveness, and managerial accountability for discharging supervisory duties. The situation should be periodically reviewed at senior staff meetings and appropriate remedial measures taken (SP-02-001-16)	This recommendation is being implemented. The High Commissioner is seeking to ensure geographical distribution of the staff in line with the Organization's goals and has fully implemented the performance appraisal system in OHCHR. Senior managers have been apprised of the issue of geographical distribution and have made a commitment to address the issue. Members of the Advisory Panel on Personnel Issues have also been advised of the need to address the issue of geographical balance.	Para. 24.53 2 posts at P-3 level are proposed for conversion from temporary assistance under subprogramme 3 for the Activities and Programmes Branch.	412.8
Recommendation 17 A comprehensive plan of action to implement all outstanding recommendations of internal and external reviews and evaluations as well as oversight bodies should be drawn up in the context of implementing the recommendations of the current report. The implementing action should be monitored	See comments under recommendation 6.		

Annex III

Organizational structure and post distribution for the biennium 2004-2005



Abbreviations: RB, regular budget; XB, extrabudgetary; GS, General Service; PL, Principal level; OL, Other level.
* New post.
** Conversion.